The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ENGLEBRIGHT, indefinitely, on account of illness.

ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until Monday, March 9, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

On Wednesday, March 11, 1942, at 10 a. m., subcommittee No. 3 of the Committee on the Judiciary will continue hearings on H. R. 6444, to provide for the registration of labor organizations, business, and trade associations, etc. The hearing will be held in the Judiciary Committee room, 346 House Office Building, Washington, D. C.

EXECUTIVE COMMUNICATIONS, ETC.

Unde. clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1461. A letter from the acting executive officer, National Park and Planning Commission, transmitting a list of land acquisitions for parks, parkways, and playgrounds for the fiscal year ending June 30, 1941; to the Committee on Public Buildings and Grounds.

1462. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Department of Labor for the fiscal year 1942 amounting to $316,500, together with an amendment to the Budget for that Department for the fiscal year 1943, involving an increase of $718,000 (H. Doc. No. 650); to the Committee on Appropriations and ordered to be printed.

1463 A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior for the fiscal year 1943, amounting to $2,035,000, in the form of amendments to the Budget for said fiscal year (H. Doc. No. 651); to the Committee on Appropriations and ordered to be printed.

1464. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Social Security Board, Federal Security Agency, for the fiscal year 1942, amounting to $30,000,000 (H. Doc. No. 652); to the Committee on Appropriations and ordered to be printed.

1465. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia for the fiscal year 1942, in the amount of $5,800 (H. Doc. No. 653); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHITE: Committee of conference on the disagreeing votes of the two Houses. H. R. 5945. A bill granting the consent of Congress to a compact entered into by the States of Colorado, Kansas, and Nebraska, and for other purposes (Rept. No. 1878). And ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII,

Mr. DOUGHTON introduced a bill (H. R. 6750) to promote the prosecution of war by exempting from State, Territorial, and local taxes the sale, purchase, storage, use, or consumption of tangible personal property and services for use in performing defense contracts, and for other purposes, which was referred to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MILLS of Arkansas introduced a bill (H. R. 6751) for the relief of J. C. Baker, which was referred to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2530. By Mr. FORAND: Resolution of the National Maritime Union of America, Providence Local, Congress of Industrial Organizations, approving the work of the Farm Security Administration and urging its continuance; to the Committee on Agriculture.

2531. Also, resolution of Local No. 28, Journeymen Tailors Union, Congress of Industrial Organizations, Providence, approving the work of the Farm Security Administration and urging its continuance; to the Committee on Agriculture.

2532 Also, resolution of Local No. 92, Providence Fur Workers Union, Congress of Industrial Organizations, approving the work of the Farm Security Administration and urging its continuance; to the Committee on Agriculture.

2533. Also, resolution of Local No. 288, Peacedale T. W. U. A., Congress of Industrial Organizations, approving the work of the Farm Security Administration and urging its continuance; to the Committee on Agriculture.

2534. By Mr. KRAMER: Petition of the Angeles Forest Protective Association, appraising the Secretary of Agriculture and the congressional delegation from California of the flood danger in the area of San Diego, and urge that an immediate and detailed flood-control survey of the watersheds in the vicinity be made; to the Committee on Flood Control.

2535. By Mr. ROLPH: Resolution of the Los Angeles County Defense Council, through action by special committee, relative to the Japanese and alien enemy situation; to the Committee on Military Affairs.

2536. Also, resolution No. 2456 of the Board of Supervisors of the City and County of San Francisco, Calif., memorializing Congress to fix premium rates of war-risk insurance so that insured persons in all parts of the United States shall share equally the burden of such insurance; to the Committee on Banking and Currency.

2537. By the SPEAKER: Petition of the Potash Workers Union, Carlsbad, N. Mex., petitioning consideration of their resolution with reference to passing of legislation relative to excess profit tax; to the Committee on Ways and Means.

SENATE

MONDAY, MARCH 9, 1942

(Legislative day of Thursday, March 5, 1942)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, the Very Reverend Zebarney T. Phillips, D. D., offered the following prayer:

Our Father, who art in Heaven, whose voice in the heart of man bids him to prayer, urging him to make known his every request: Remind us, we beseech Thee, of the dignity of prayer, since Thou dost therein bring us, who are but dust and ashes, into Thy very audience-chamber; reveal to our complacency the necessity of prayer, since without it all religious life will fade, even as the flowers upon which the dew has ceased to fall; and, at this sacred moment, grant to us the consolation of our prayer, by which we may cast the heavy burdens of the day and hour upon Thy loving heart, where we may find refuge from the world's oppression and bathe the ruffled plumage of the soul in the ethereal and divine forgiveness of the Christ.

Our sins and shames, remember them no more; help us to merge our separate desires in adoration, that we may lose them all in the ocean of God's love. Teach us that there can be no devotion to country apart from a devotion to supreme goodness, and that patriotism becomes increasingly noble as it rises above the narrow pettiness of the individual. And now, with hearts aflame and purposes subdued unto Thy will, we pray with fervent minds:

O God, stretch forth Thy mighty hand and guard and bless our Fatherland.

In our Saviour's Name, we ask it. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, March 5, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, who also announced that on March 5, 1942, the President had approved and signed the act (S. 2282) to provide for the planting of guayule and other rubber-bearing plants and to make available a source of crude rubber for emergency and defense uses.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its clerks, announced that the House insisted upon its amendment to the bill (S. 2198) to provide for the financing of the War Damage Corporation, to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STEAGALL, Mr. WILLIAMS, Mr. SPENCE, Mr. WOLCOTT, and Mr. GIFFORD were appointed managers on the part of the House.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 6511) making appropriations for the Treasury and Post Office Departments for the fiscal

year ending June 30, 1943, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 1535. An act for the relief of the estate of John J. Murray;

H. R. 2120. An act for the relief of John H. Durnil;

H. R. 2430. An act for the relief of John Huff;

H. R. 4896. An act for the relief of David B. Byrne;

H. R. 5478. An act for the relief of Nell Mahoney;

H. R. 6511. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1943, and for other purposes; and

H. R. 6531. An act to suspend the effectiveness during the existing national emergency of tariff duties on scrap iron, scrap steel, and nonferrous-metal scrap.

CALL OF THE ROLL

Mr. HILL. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Nye
Austin	Gillette	O'Daniel
Bailey	Glass	Overton
Bankhead	Green	Pepper
Barbour	Guffey	Radcliffe
Barkley	Gurney	Reed
Bilbo	Hayden	Reynolds
Bone	Herring	Rosier
Brewster	Hill	Russell
Bulow	Holman	Schwartz
Bunker	Hughes	Shipstead
Burton	Johnson, Calif.	Smathers
Butler	Johnson, Colo.	Smith
Byrd	La Follette	Stewart
Capper	Langer	Taft
Caraway	Lee	Thomas, Idaho
Chandler	Lucas	Thomas, Okla.
Chavez	McFarland	Thomas, Utah
Clark, Idaho	McKellar	Tunnell
Clark, Mo.	McNary	Tydings
Connally	Maloney	Vandenberg
Danaher	Maybank	Van Nuys
Davis	Mead	Wheeler
Doxey	Millikin	White
Ellender	Murdock	Wiley
George	Murray	Willis

Mr. McNARY. The senior Senator from Nebraska [Mr. NORRIS] is absent because of illness.

Mr. HILL. I announce that the Senator from New Mexico [Mr. HATCH] is absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY], the Senator from West Virginia [Mr. KILGORE], the Senator from Missouri [Mr. TRUMAN], and the Senator from Washington [Mr. WALLGREN] are holding hearings in Western States on matters pertaining to national defense.

The Senator from Florida [Mr. ANDREWS], the Senator from Michigan [Mr. BROWN], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Arkansas [Mr. SPENCER], the Senator from New York [Mr. WAGNER], and the Senator from Massachusetts [Mr. WALSH] are necessarily absent.

The Senator from Nevada [Mr. MCCARRAN] is holding hearings in the West on silver, and therefore unable to be present.

Mr. AUSTIN. The Senator from Minnesota [Mr. BALL] is a member of the Senate committee holding hearings in the West on matters pertaining to the national defense, and is therefore unable to be present.

The Senator from New Hampshire [Mr. BRIDGES] is absent as a result of an injury and illness.

The Senator from Illinois [Mr. BROOKS], the Senator from Massachusetts [Mr. LODGE], and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE COMPTROLLER OF THE CURRENCY

A letter from the Comptroller of the Currency, transmitting, pursuant to law, the seventy-ninth annual report of that Comptroller covering the year ended October 31, 1941 (with accompanying report); to the Committee on Banking and Currency.

LAND ACQUISITION, NATIONAL CAPITAL PARK AND PLANNING COMMISSION

A letter from the acting executive officer of the National Capital Park and Planning Commission, transmitting, pursuant to law, a list of land acquisitions for parks, parkways, and playgrounds, cost of each tract and method of acquisition, for the fiscal year ended June 30, 1941 (with an accompanying statement); to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A telegram in the nature of a petition from C. I. Whitlock, of St. Paul, Minn., praying that the United States adopt a more stringent policy toward labor and capital in defense production so that no more work stoppages may occur for any reason in the prosecution of the war effort; to the Committee on Education and Labor.

A resolution adopted by the mayor and board of aldermen of the city of Gretna, La., protesting against the imposition of Federal taxes upon State and municipal bonds; to the Committee on Finance.

A paper in the nature of a memorial from Mrs. M. Dabney, of Mount Angel, Oreg., remonstrating against the enactment of the so-called press censorship bill; to the Committee on the Judiciary.

A letter in the nature of a petition from Willard H. Maxwell, of Chicago, Ill., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors; to the Committee on the Judiciary.

By Mr. HUGHES:

A petition of sundry citizens of the State of Delaware, praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

By Mr. TYDINGS:

A petition of sundry citizens of the State of Maryland and members of the Kiwanis Club of Baltimore, Md., praying for economy in Government expenditures; to the Committee on Appropriations.

A resolution adopted by the board of directors of the Maryland State Junior Chamber of Commerce, assembled at Hagerstown, Md., favoring the reduction of nonessential governmental expenditures; to the Committee on Appropriations.

A memorial of sundry citizens of Baltimore, Md., remonstrating against continuance of the existing paid Office of Civilian Defense set-up in the State of Maryland; to the Committee on Military Affairs.

A memorial of sundry citizens of the State of Maryland, remonstrating against the use of civilian defense funds for purposes other than the protection of the civilian population; to the Committee on Military Affairs.

RESOLUTIONS OF CAVENDISH, VT., TOWN MEETING

Mr. AUSTIN. Mr. President, at a town meeting of the town of Cavendish, Vt., the town hall was dedicated and a resolution was adopted, from which I now read:

Resolved, That we, the citizens of the town of Cavendish, Vt., in town meeting assembled, March 3, 1942, do hereby dedicate our town hall and ourselves to the cause of liberty, freedom, and unity; that we pledge our uttermost cooperation, our lives, and our substance toward the winning of this war, to the end that the fundamentals for which our forefathers fought, bled, and died may now and forever be enshrined in our hearts; that we will never submit to the rule and whims of a totalitarian dictator.

I ask unanimous consent that the entire resolution be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

Whereas the town of Cavendish, Vt., has during the past year repaired and redecorated our town hall as a Vermont sesquicentennial project; and

Whereas our country is at war with ruthless foes who are determined to rule the world by force; and

Whereas our country can only win this fight for freedom through 100-percent cooperation of our people: Therefore be it

Resolved, That we the citizens of the town of Cavendish, Vt., in town meeting assembled March 3, 1942, do hereby dedicate our town hall and ourselves to the cause of liberty, freedom, and unity; that we pledge our uttermost cooperation, our lives, and our substance toward the winning of this war, to the end that the fundamentals for which our forefathers fought, bled, and died may now and forever be enshrined in our hearts; that we will never submit to the rule and whims of a totalitarian dictator; and be it further

Resolved, That no matter what reverses may come to our armed forces during the next few months, we pledge to the Governor of Vermont and to the President of the United States our all to the end that freedom and justice shall ultimately prevail; and be it further

Resolved, That a copy of this resolution be forwarded to the Governor of Vermont, the President of the United States, and to our Senators and Congressman.

RESOLUTION OF THE GENERAL ASSEMBLY OF VIRGINIA URGING EFFICIENT ACTION FOR NATIONAL DEFENSE

Mr. BYRD. Mr. President, I present and ask to have printed in the body of the RECORD a joint resolution adopted by the General Assembly of the State of Virginia in respect to the conduct of the war.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, under the rule, as follows:

Whereas the first representative legislative assembly in America was held on Virginia soil, and the General Assembly of Virginia is the successor of that body; and

Whereas the existing emergency will determine whether a country enjoying a representative form of government can defend itself successfully against the attacks of nations ruled by dictators; and

Whereas the present conflict has demonstrated that the individual members of our armed forces have acquitted themselves with personal bravery; and

Whereas the defense of the Philippines has proven the ability of a competent commanding officer to resist to the utmost; and

Whereas we believe that the lives of American troops and the freedom of American citizens are of such paramount importance as to justify the expenditure of every possible effort in their preservation: Now, therefore, be it

Resolved by the house of delegates (the senate concurring), That the General Assembly of Virginia—

(1) condemn waste and extravagance in nondefense undertakings, and urge the elimination of all nonessential governmental activities;

(2) call upon our Senators and Representatives in the Congress of the United States to take immediate and vigorous action to eliminate inefficiency, carelessness, and incompetency, thereby preventing such regrettable disasters as the burning of the *Normandie*;

(3) insist upon the swift and adequate punishment of those responsible for the disasters already suffered;

(4) pride ourselves upon the stand taken and the results accomplished by members of the Virginia delegation in the Congress, and are not unmindful of the value of their services; neither are we doubtful of the patriotism and loyalty of every member of our delegation; our appeal to them now is for urgent action, and the means to be employed we leave to them, assuring them of our confidence in them, and our readiness to support them in every possible way, to the end that this war may be won, American lives saved, and American liberty and representative government maintained; and

(5) direct the clerk of the house of delegates, and as such keeper of the rolls of the State, forthwith to transmit a copy hereof to each Senator and Representative from Virginia in the Congress of the United States.

OPPORTUNITY FOR EMPLOYMENT OF W. P. A. WORKERS IN DEFENSE INDUSTRIES—PETITION

Mr. CLARK of Missouri presented a paper in the nature of a petition of sundry citizens of the State of Missouri, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD without all the signatures attached thereto, as follows:

Hon. HARRY S. TRUMAN,
Hon. BENNETT C. CLARK,
Senate Office Building.
Hon. JOHN J. COCHRAN,
Hon. JOHN B. SULLIVAN,
Hon. WALTER PLOESER,
House Office Building,
Washington, D. C.

HONORABLE GENTLEMEN: The undersigned are all constituents of yours, and through no fault of ours have been forced to accept employment on W. P. A. Our ages range from 45 to 60, but regardless are in first-class physical condition and active. Furthermore, we are all American citizens, and in other emergencies, in our lives, as well as this one, we have always contributed to the defense of good old U. S. A.

When we say we are employed on W. P. A. that does not mean we are leaning on a shovel nor accepting pay (small as it is) without giving value received, and when we accepted the assignment we did not then nor do we now expect to make a career of it. The time is at hand now when we believe that we can be of aid to our country, in a more productive phase, than working on W. P. A. if given an opportunity.

At every opportunity we have tramped the streets offering our services in either private industry or defense work, with always the same come-back, "You are too old." Just who is the one to say we are too old without giving us a chance to prove we can do the work we apply for? It is true most of us have never had to work in a ditch, nor have we done factory work, because we figured that we had the ability to be in front offices. Of course, that does not mean we could not do other things if given the chance.

What I am getting to is this: There are many defense plants being built at this time in which a multitude of jobs are available for men of our age and experience. Yet, we have been turned down repeatedly and the jobs given to inexperienced boys, who should be in the armed forces, or to others whom we might call floaters, or others who have just recently been naturalized.

As representative from this district, I ask that you advise me what if anything can be done; if so, what will be done in giving men of our age and qualifications an opportunity to serve our country and at the same time earn a living, and not have to depend on city, State, or Government help.

RESOLUTIONS OF MANHATTAN (KANS.) GRANGE, NO. 745—PROHIBITION OF LIQUOR SALES IN AND AROUND MILITARY CAMPS

Mr. CAPPER. Mr. President, I present and ask unanimous consent to have printed in the RECORD and appropriately referred resolutions adopted by the Manhattan (Kans.) Grange favoring the enactment of legislation to outlaw the sale of intoxicating liquors in and around all military camps.

There being no objection, the resolutions were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Inasmuch as members of this Grange are neighbors of the thousands of trainees at Fort Riley Cavalry center and Camp Funston, and with other citizens are active in assisting Government agencies to provide wholesome recreation to the men in uniform who visit our town in large numbers, we have first-hand knowledge of the effect of alcohol on some of our soldiers: Therefore be it

Resolved, That this Grange, numbering 86 members, petition our lawmakers to outlaw the sale of intoxicants in forts and camps and in the nearby towns where the men visit when off duty

Such regulations, we believe, would go far in ridding military camps of customary evils, thus protecting the manhood of those who are offering all to our country.

Resolved further, That a copy of these resolutions be sent to our Senators and Representatives and a copy kept on our files.

RESOLUTION OF NATIONAL FARM LOAN ASSOCIATIONS IN KANSAS—CONTINUANCE OF EXISTING INTEREST RATE ON FEDERAL LAND BANK LOANS

Mr. CAPPER. Mr. President, I also present for printing in the RECORD and appropriate reference a resolution adopted by members of the Greensburg, Mullinville, and Haviland National Farm Loan Associations, in the State of Kansas, favoring continuance of the 3½-percent interest rate on farm loans to 1946.

There being no objection, the resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

GREENSBURG NATIONAL
FARM LOAN ASSOCIATION,
Greensburg, Kans., February 2, 1942.

Be it resolved,

First. We, the members of the Greensburg, Mullinville, and Haviland National Farm Loan Associations, heartily endorse the letter sent out by Mr. Schull and read by Mr. Otto C. Beuke.

Second. We recommend a continuance of 3½-percent interest rate to 1946.

Third. We recommend that the secretary-treasurer have his reports prepared so that he can compare current business with past year.

Fourth. We resolve to endorse and assist in all constructive measures of national defense.

Fifth. We recommend that a copy of these resolutions be placed on the minutes and also sent to the Federal land bank, our Representative, Senators, and Secretary of Agriculture.

Sixth We extend a vote of thanks to the Federal land bank for the presence of Mr. Otto C. Beuke at this meeting.

ART MCANARNEY,
W. A. MORRIS,
BERT J. MCFADDEN,
Resolution Committee.

RESOLUTION OF WOOD COUNTY (WIS.) FARM BUREAU—RELEASE OF WHEAT AND CORN BY COMMODITY CREDIT CORPORATION FOR FEED PURPOSES

Mr. WILEY. Mr. President, I present for printing in the RECORD and appropriate reference a letter embodying a resolution adopted by a regular annual meeting of the Wood County Farm Bureau held at Vesper, Wis., on February 28, 1942.

There being no objection, the letter embodying a resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

WOOD COUNTY FARM BUREAU,
Vesper, Wis., March 2, 1942.

Hon. ALEXANDER WILEY,
United States Senate Building,
Washington, D. C.:

The following resolution was adopted at the regular annual meeting of the Wood County Farm Bureau held at Vesper, Wis., on February 28, 1942:

"Whereas the Commodity Credit Corporation has at present wheat and corn for which the farmers have received a parity price when bought by the Government from those who have cooperated in the agricultural program; and

"Whereas at the annual meeting of the Wisconsin Council of Agriculture, an organization of 38 major farm organizations, held in La Crosse, Wis., last fall, of which we are a member, resolutions were adopted asking the Commodity Credit Corporation to release such wheat and corn so as to make it possible for the farmers of Wisconsin to cooperate to its full capacity in the production of dairy products; and

"Whereas the farmers of Wood County are cooperating in this program of production of dairy products to its full extent: Therefore be it

"*Resolved*, That we petition our United States Senators and our Congressmen from our district that they work with the Commodity Credit Corporation so that the Commodity Credit Corporation releases a steady flow and at a reasonable price for feed purposes corn and wheat held at present by the Commodity Credit Corporation; be it further

"*Resolved*, That copies of this resolution be sent to the United States Senators, Congressmen, and the Secretary of Agriculture."

A. V. BEAN,
President.
MAX LEOPOLD,
Secretary.

RESOLUTION OF WISCONSIN AUTOMOTIVE TRADES ASSOCIATION—DIVISION OF TAXABLE INCOME FOR 1941 OVER 2 YEARS

Mr. WILEY. Mr. President, I also present for printing in the RECORD and appropriate reference a resolution adopted by the board of directors of the Wisconsin Automotive Trades Association addressed to Members of the Wisconsin congressional delegation.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

WISCONSIN AUTOMOTIVE
TRADES ASSOCIATION,
Madison, Wis., March 3, 1942.

To Members of Wisconsin Congressional Delegation:

The following resolution was adopted by the board of directors of this association yesterday:

"Whereas the automobile dealers of the United States are facing bankruptcy on account of various necessary defense activities of the Federal Government; and

"Whereas the dealers enjoyed an unusually good year in 1941 on account of the manufacturers' desire to produce as many automobiles as possible before they were forced to cease production and the desire of the public to equip themselves with new model cars; and

"Whereas the sale of new cars has been stopped; and

"Whereas there will probably be further curtailment of the dealers' business activities; and

"Whereas the dealers have endorsed notes on cars handled by the finance companies and have in stock automobiles they are unable to sell and therefore cannot at this time liquidate their businesses; and

"Whereas it appears certain that the dealers will suffer great losses in the year 1942 on account of repossessions, with no prospect of any income against which these losses may be offset; and

"Whereas the automobile dealers, because of the destruction of their businesses and the freezing of their assets, find themselves unable to pay their 1941 income taxes:

"Now, therefore, the Wisconsin Automotive Trades Association, through its board of directors, does hereby memorialize the Congress of the United States to adopt appropriate legislation that will allow the Nation's automobile dealers to divide the income taxable for 1941 over the years 1941 and 1942."

* * * * * *

I believe the North Carolina Automobile Dealers Association fostered this particular resolution and it has been adopted in quite a few States. I am giving this information so that you may check on the progress of this particular subject from representatives of that State and eliminate duplication of effort.

I know you have been receiving quite a few communications from us lately, but things in our industry are indeed in a critical stage and therefore the need of congressional support.

Cordially yours,

LOUIS MILAN,
Executive Vice President.

DISPOSITION OF GOVERNMENT RECORDS

Mr. BARKLEY. Mr. President, from the Committee on the Library I report back favorably without amendment House bill 3798 to amend the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government." This bill proposes an amendment to the present law regarding the disposition of Government papers in connection with The Archives, which requires the agency making such disposition to make report to the Archivist of the United States. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

TWO-HUNDREDTH ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON

Mr. BARKLEY. Mr. President, also from the Committee on the Library I report back favorably, without amendment, Senate bill 1773, which is intended to enable the United States Commission heretofore appointed for the celebration of the two-hundredth anniversary of the birth of Thomas Jefferson to carry out and give effect to certain approved plans. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1773) to enable the United States Commission for the Celebration of the Two-hundredth Anniversary of the Birth of Thomas Jefferson to carry out and give effect to certain approved plans.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the United States Commission for the Celebration of the Two-hundredth Anniversary of the Birth of Thomas Jefferson, established by the joint resolution entitled "Joint resolution to establish a commission for the celebration of the two-hundredth anniversary of the birth of Thomas Jefferson", approved September 24, 1940 (hereinafter referred to as "the Commission"), is authorized and directed to prepare as a congressional memorial to Thomas Jefferson a new edition of the writings of Thomas Jefferson, including additional material and unpublished manuscripts preserved in the Library of Congress and elsewhere, at a cost not to exceed $50,000 for the preparation of the manuscript. Such new edition shall be printed and bound at the Government Printing Office and shall be in suitable form. There shall be 3,000 sets of such edition, 2,000 of which shall be sold by the Superintendent of Documents at a cost equal to the total cost under this section of preparing the manuscript and printing and binding the entire edition. The Commission shall, upon issue of the final volume, distribute the remaining 1,000 sets as follows: Two each to the President, the library of the Senate, and the library of the House of Representatives; 25 to the Library of Congress, 1 to each member of the Cabinet, 1 each to the Vice President and the Speaker of the House of Representatives; 1 to each Senator, Representative in Congress, Delegate, and Resident Commissioner; 1 each to the Secretary of the Senate and the Clerk of the House of Representatives; and 1 to each member and officer of the Commission. The remaining sets shall be distributed as the Commission directs, including such number of sets as may be necessary for foreign exchange. The usual number for congressional distribution and for depository libraries shall not be printed. To carry out the purpose of this paragraph there is authorized to be appropriated the sum of $150,000, or so much thereof as may be necessary, out of any money in the Treasury not otherwise appropriated.

SEC. 2. (a) The Commission is authorized and directed to—

(1) arrange for memorial meetings and exercises in the year 1943 in the city of Washington and other cities and places in the United States particularly associated with the memory of Thomas Jefferson, and in universities, schools, and colleges throughout the United States; to carry out and give effect to the approved plan and program heretofore submitted to the Congress, at a cost not to exceed $15,000;

(2) to prepare and produce for use at such memorial meetings and exercises a motion picture of the main events in the life of Thomas Jefferson at a cost not to exceed $10,000;

(3) to prepare 100,000 photolithographic copies of the best approved original portrait painting of Thomas Jefferson and deliver in tubes ready for mailing 100 copies to each Senator, Representative in Congress, Delegate, and Resident Commissioner, at cost not to exceed $5,000.

(b) To carry out the provisions of this section only the Commission is authorized to have printing, binding, lithographing, and other work done at establishments other than the Government Printing Office.

SEC. 3. The Commission is authorized to employ, without regard to the civil-service laws, and without regard to the Classification Act of 1923, as amended, to fix the compensation of an historian, an executive secretary, and such assistants as may be needed for stenographic, clerical, and expert service within the appropriations made by Congress from time to time for such purposes, which appropriations are hereby authorized.

SEC. 4. In carrying out the provisions of this or any other act relating to the celebration of the two-hundredth anniversary of the birth of Thomas Jefferson, the Commission is authorized to procure advice and assistance from any governmental agency, including the services of technical and other personnel in the executive departments and independent establishments, and to procure advice and assistance from and to cooperate with individuals and agencies, public or private. The Superintendent of Documents shall make available to the Commission the facilities of his office for the distribution of the portraits herein authorized.

SEC. 5. The members and employees of the Commission shall be allowed actual traveling, subsistence, and other expenses incurred in the discharge of their duties. All expenses of the Commission shall be paid by the disbursing officer of the Commission upon vouchers approved by the chairman of the executive committee of the Commission.

SEC. 6. Unexpended balances of appropriations authorized under the provisions of this act shall remain available until expended.

SEC. 7. The United States Commission for the Celebration of the Two-hundredth Anniversary of the Birth of Thomas Jefferson may hereafter be referred to as the "Thomas Jefferson Bicentennial Commission."

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on March 3, 1942, that committee presented to the President of the United States the following enrolled bills:

S. 1782. An act to authorize the payment of a donation to and to provide for the travel at Government expense of persons discharged from the Army of the United States on account of fraudulent enlistment;

S. 1891. An act to amend an act to provide allowances for uniforms and equipment for certain officers of the Officers' Reserve Corps of the Army so as to provide allowances for uniforms and equipment for certain officers of the Army of the United States; and

S. 2282. An act to provide for the planting of guayule and other rubber-bearing plants and to make available a source of crude rubber for emergency and defense uses.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BARBOUR:

S. 2346. A bill for the relief of Christopher D. Eger; to the Committee on Military Affairs.

(Mr. HOLMAN introduced Senate bill 2347, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. MEAD:

S. 2348. A bill to place postmasters at fourth-class post offices on an annual-salary basis, and fix their rate of pay; to the Committee on Post Offices and Post Roads.

By Mr. WHEELER:

S. 2349. A bill for the relief of Charles Perkins MacKenzie; to the Committee on Finance.

(Mr. MALONEY introduced Senate bill 2350, which was referred to the Committee on Commerce, and appears under a separate heading.)

By Mr. REYNOLDS:

S. 2351. A bill to exempt from duty personal and household effects brought into the United States under Government orders; to the Committee on Finance.

S. 2352. A bill to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, or leaving military areas or zones; and

S. 2353. A bill to amend sections 1305 and 1306 of the Revised Statutes, as amended, to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge; to the Committee on Military Affairs.

By Mr CAPPER:

S. 2354. A bill for the relief of Mr. and Mrs. George M. Legg and Loetta Trainer; to the Committee on Claims.

By Mr McNARY:

S. 2355. A bill to amend section 75 (s) (2) of the Bankruptcy Act, as amended, to provide a further stay of judicial proceedings in the case of certain farm debtors; to the Committee on the Judiciary.

By Mr. GEORGE:

S. 2356. A bill authorizing the Administrator of Veterans' Affairs to grant easements in certain lands of the Veterans' Administration Facility, Murfreesboro, Tenn., to the city of Murfreesboro, State of Tennessee, to enable the city to construct and maintain a water-pumping station and pipe line; to the Committee on Finance.

By Mr. BARKLEY:

S. J. Res. 138. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress; to the Committee on the Library.

By Mr. McNARY:

S. J. Res. 139. Joint resolution providing for an investigation and survey of certain crustacean food resources of the United States, and for other purposes; to the Special Committee on Conservation of Wildlife Resources.

AMENDMENT OF SO-CALLED ANTI-RACKETEERING ACT

Mr. HOLMAN. Mr. President, I ask consent to introduce a bill proposing to amend the Antiracketeering Act of June 18, 1934. The bill is introduced because of a decision handed down by the Supreme Court on March 2 which, in effect, placed the Congress in the position of condoning and authorizing the use of force and violence in enforcing demands so long as such force and violence are practiced by members of labor organizations and unions.

In the dissenting opinion by the Chief Justice it was stated:

When the Antiracketeering Act was under consideration by Congress, no Member of Congress and no labor leader had the temerity to suggest that such payments, made only to secure immunity from violence and intentionally compelled by assault and battery, could be regarded as the payment of "wages by a bona fide employer" or that the compulsion of such payments is a legitimate object of a labor union, or was ever made so by any statute of the United States. I am unable to concur in that suggestion now. It follows that all the defendants who conspired to compel such payments by force and violence, regardless of the willingness of the victims to accept them as employees, were rightly convicted.

The majority opinion points out that the Congress may correct this situation and the bill I now introduce is designed to accomplish that result.

There being no objection, the bill (S. 2347) to amend the act entitled "An act to protect trade and commerce against interference by violence, threats, coercion, or intimidation," approved June 18, 1934, was read twice by its title and referred to the Committee on the Judiciary.

AMENDMENT OF UNITED STATES ARBITRATION ACT

Mr. MALONEY. I ask unanimous consent to introduce a bill for appropriate reference. The bill which I introduce, at the request of those who have made a special study of the subject, makes various amendments to the United States Arbitration Act, which was approved February 12, 1925. These amendments are incorporated in a revision of that act, which constitutes my bill. I should like to have printed in the RECORD the memorandum which I now send to the desk and which contains an explanation of the general purposes of the act and the proposed amendments thereto.

The VICE PRESIDENT. Without objection, it is so ordered. The bill of the Senator from Connecticut will be received and appropriately referred and the statement or memorandum will be printed in the RECORD.

The bill (S. 2350) to amend the United States Arbitration Act was read twice by its title and referred to the Committee on Commerce.

The statement or memorandum presented by Mr. MALONEY is as follows:

I

GENERAL PURPOSES OF THE UNITED STATES ARBITRATION ACT

The United States Arbitration Act as originally enacted on February 12, 1925, was designed to facilitate the use of arbitration in settling commercial disputes.

It was made to apply to written agreements to arbitrate disputes arising out of maritime transactions and disputes arising out of interstate or foreign commerce.

At about the same time arbitration statutes of like pattern were being sponsored, or had been enacted, in the more important commercial States. They related to agreements to arbitrate controversies arising out of commercial transactions which were consummated within their respective jurisdictions. Such statutes are now in effect in the following States and Territory: Arizona, California, Connecticut, Hawaii, Louisiana, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, and Wisconsin.

Three major purposes are accomplished by this legislation, including the United States Arbitration Act, as follows:

1. These statutes overcome the prevailing common law rules whereby a party to an arbitration agreement can revoke his agreement to arbitrate, provided he does so before an arbitration is completed and award rendered. This common law rule is known as the "rule of revocability" of arbitration agreements. This common law rule of revocability of arbitration agreements spoke itself in two general classes of cases, as follows: (1) A and B might agree at common law to arbitrate a dispute arising between them. C might be appointed arbitrator. Under this common law rule, A could revoke the authority of C at any time before C had made his award. In such case all of the proceedings up to the moment of revocation by A are nullified. (2) A might, notwithstanding his agreement to arbitrate a given dispute, initiate a suit in court and refuse entirely to participate in an arbitration. B could do nothing at common law about A's revocation or repudiation of the arbitration contract by A.

The foregoing arbitration statutes, including the United States Arbitration Act, expressly overcome this common law rule of revocability with respect to arbitration agreements which are in writing.

By section 2 of the United States Arbitration Act written agreements for arbitration which come under that statute are declared to be "irrevocable." Under section 3, a party to such agreement cannot revoke the arbitration agreement and sue in court because the aggrieved party may cause the court to stay any action so attempted. And by section 5 the aggrieved party may appeal to the court to appoint an arbitrator if the adverse party refuses to participate in the appointment of an arbitrator pursuant to his agreement. Under these sections, moreover, the recalcitrant party cannot effectively revoke the authority of an arbitrator who has been duly appointed pursuant to the agreement or by the court.

None of the proposed amendments will affect these provisions of the present act.

2. These arbitration statutes also overcome another common law rule which is a corollary of the foregoing rule of revocability, namely,

the common law rule that arbitration agreements cannot be specifically enforced. By this rule there could be no positive enforcement of an arbitration agreement.

These statutes, including the United States act, overcome this common-law rule by expressly providing that agreements to arbitrate, if they are in writing and otherwise within the act, shall be specifically enforceable. This is provided for in general terms in section 4 of the act. The right of specific performance under these statutes is particularly important because it enables an aggrieved party to an arbitration agreement to make application to the court designated in the act to appoint an arbitrator when the other party refuses to go forward with his arbitration agreement. This also has been noted above as an aspect of the act which is designed to overcome the common-law rule of revocability.

None of the proposed amendments would change these provisions of the present act.

3. The third general purpose of these statutes may be cited as follows: To simplify the common-law procedure for enforcing and for vacating or modifying awards. By the prevailing common-law rules, if B were successful in an arbitration with A, but A refused to perform the award, B would find it necessary to initiate a civil litigation to enforce the award much the same as if he were to sue originally upon the cause submitted to the arbitrator. Similarly, if A felt aggrieved by an award rendered against him, it would be necessary for him to initiate court litigation if he wished to test its legality and have it vacated if invalid.

Under these arbitration statutes, this common-law procedure is simplified. Indeed, a more expeditious and summary remedy is provided for each situation. There is substituted a "motion practice" whereby A or B, as the case may be, may, by motion or petition, expeditiously invoke the court designated in the statute for the relief which he otherwise would sue for in a civil action (secs. 9, 10, 11, and 12).

None of the proposed amendments will affect these provisions of the present act.

II

ARBITRATION STATUTES, INCLUDING THE UNITED STATES ARBITRATION ACT, ARE DEPENDENT UPON A WRITTEN ARBITRATION AGREEMENT

It may be emphasized that the United States Arbitration Act, as well as the corresponding State statutes cited above, do not apply to an arbitration agreement unless it is in writing.

None of the proposed amendments of the present act will change this requirement.

There is, of course, no legal requirement in these statutes, or otherwise, that any party shall enter into an arbitration agreement. And in order to bring an arbitration agreement under the provisions of these statutes the parties must voluntarily agree in writing to submit their dispute or disputes to arbitration.

It also may be noted that these statutes, including the present United States Arbitration Act, embrace two general classes of written arbitration agreements: (1) Written agreements to arbitrate disputes which may arise between the parties in the future; (2) written agreements to arbitrate only a dispute or disputes which already have arisen between the parties. The first class of agreements are commonly referred to as "future disputes clauses"; and they are commonly inserted in commercial transactions (e. g., a sales contract, warehouse contract, lease, etc.) at the time the principal contract is closed. The second type of arbitration agreement is frequently called a "submission agreement." It is entered into by the parties only after they have become involved in a dispute.

Under the foregoing arbitration statutes generally a "submission agreement" is not necessary if a dispute arises under a "future disputes clause."

None of the proposed amendments will change the general application of the United States act to these two general classes of written arbitration agreements.

III

SCOPE AND PURPOSES OF THE PROPOSED AMENDMENTS

Aside from proposed amendments designed merely to clarify the provisions of the act or to remove legal technicalities that have developed in litigation under the act since 1925, there are the following substantial proposed amendments:

1. Extension of the act to embrace written agreements to arbitrate labor controversies.

Just as the present act was designed to overcome the common-law rules of "revocability" and "nonenforceability" of written agreements to arbitrate commercial controversies arising between the parties, so by section 2A, as proposed, would the act be extended to written agreements to arbitrate labor controversies.

The amendment would be merely enabling; it would not compel parties to agree to arbitrate such disputes; the act would apply only if they so agreed in writing; and section 2A would not apply to any such written agreements made prior to the effective date of new section 2A.

By section 2A, written future-disputes clauses or written submission agreements entered into by a labor organization with an employer or group of employers engaged in commerce or by one labor union with another labor union would be irrevocable and enforceable contrary to the common-law rules of revocability and nonenforceability. The award would be enforceable by expeditious motion practice as now provided in the act, or it could likewise be vacated if there were sufficient cause as provided in the act (secs. 9 and 10).

As in the case of written agreements to arbitrate commercial disputes, so in the case of a written agreement to arbitrate a labor controversy under proposed section 2A the parties would determine in their agreement what disputes they would arbitrate and their agreement would be effective accordingly under the act. They may by their agreement embrace all disputes arising between them, or only some, as they shall designate in their agreement. This is a matter of agreement of the parties and the drafting of their arbitration agreement.

Proposed section 2A is substantially a copy of a corresponding amendment of the New York arbitration law, which became effective in 1940. (See Report of the New York Joint Legislative Committee on Industrial and Labor Relations of 1940.) Section 2A includes written arbitration agreements entered into between two or more labor organizations, as stated above. This provision does not appear to have been considered in connection with the New York amendment, nor was it included in the New York amendment.

2. Extension of the act to written arbitration agreements entered into by officers and agencies of United States.

Proposed section 2B is designed to enable officers and agencies of the United States having authority to enter into contract or behalf of the United States or such agency to enter into a written future-disputes clause covering disputes which may arise out of the main contract, and to enter into a written submission agreement to settle by arbitration a dispute which already may have arisen out of such contract.

There appears to be widespread doubt—and there is a little judicial authority—that such officers and agencies do not now have the legal power to enter into such arbitration agreements. This amendment would give them the power, to be exercised in their discretion.

Since the Congress seems to have found that the United States Arbitration Act is a worthy piece of legislation in behalf of private contractors, it is not clear why officers and agencies of the United States should be disabled from using arbitration agreements which will qualify under the act, if it is deemed desirable to do so. To remove this disability would not, of course, make mandatory the use of such agreements.

As in other cases, also, the scope of the arbitration agreement would be determined in each case by the agreement as written by the parties.

Section 2B, like proposed section 2A, would be effective only as to written arbitration agreements entered into after the section became effective.

3. Extension of the act to agreements to arbitrate causes which may be justiciable in courts of the United States.

At present only written agreements to arbitrate controversies arising out of maritime transactions or commerce, as defined in the act, are subject to the United States Arbitration Act.

By the proposed amendment of section 2 the act is sought to be extended to written agreements to arbitrate any other and different controversy which might be the subject of a civil action or proceeding between the parties in a court of the United States. Under this amendment, parties might agree in writing to submit a tort claim as well as contract claim to arbitration and make such agreement subject to the act. They would be allowed to enforce such agreement under the act if they could satisfy the existing requirement of diversity of citizenship which presently conditions the jurisdiction of district courts of the United States.

4. Removal of the jurisdictional requirement of $3,000.

By the proposed amendments of sections 4, 5, 7A, 8, 9, 10, and 11 of the present act, the parties to a written arbitration agreement qualifying under the act would be enabled to invoke the remedies of the act as therein provided regardless of the amount of the matter in controversy.

Apparently, under the present act, the remedies therein provided to enforce an arbitration agreement, or to have an arbitrator appointed by a court, or to have an award confirmed and enforced, or to have an award vacated or modified or corrected as provided in the act, are not available unless the amount of the matter in controversy exceeds $3,000 in accord with the requirement for civil actions generally which are sought to be brought in the district courts of the United States on the basis of diversity of citizenship of the parties.

It is not contemplated that this elimination of the $3,000 requirement will overload the district courts of the United States with cases under the act. This is not expected because experience makes clear that once the legal remedies under an arbitration statute are made clear and expeditious for overcoming the common-law rules of revocability and nonenforceability of arbitration agreements, most parties faithfully perform their arbitration agreement and any award rendered under it. Comparatively speaking, only very infrequently need the statutory remedy actually be invoked. And only rarely is there occasion to invoke the statute to vacate an award. The courts of the United States would not, therefore, be burdened with many applications or petitions under this act.

Furthermore, if an arbitration agreement is otherwise subject to the United States Arbitration Act, it seems that the remedies of the act should be made available with respect to it, and to any award rendered thereunder, whether they involve more or less than $3,000.

5. Clarification of the act with respect to ex parte arbitrations.

There seems to be substantial doubt concerning the effect of ex parte arbitrations under the present act. It is sought to clarify and validate such arbitrations and the awards rendered therein by proposed section 7A.

This proposed section 7A is a substantial copy of a corresponding provision of the New York arbitration law, which has been reviewed and sustained by the New York Court of Appeals.

The general problem considered here may be posed with reference to our previous parties, A and B, as follows:

A may refuse to participate in an arbitration proceeding. He may rely upon a contention to the effect that for some good reason, in fact or in law, he did not enter into a valid arbitration agreement. Of course, if he has not entered into such an agreement he is not bound to arbitrate. But the preliminary question may ever be put in issue, whether or not he has entered into such agreement. Perhaps, for example, an agent closed the agreement without the principal's (A's) authority; or perhaps A's name was forged, or for other legal reason A is not bound.

May A appear before the arbitrator and put in issue before him "the making" of the arbitration agreement? May he appear and go through with the hearing, and then, for the first time, go to court and challenge the award—for example, when the award has gone against him—on the ground that the arbitration agreement was invalid—on the ground that he made no valid arbitration agreement? Shall he be allowed so to speculate upon the outcome of an award in his favor, but challenge the whole proceeding in court on the ground that he did not enter into a valid arbitration agreement when the award has gone against him?

Proposed section 7A, following a like provision in the New York arbitration law (which, as stated before, has been sustained by the New York Court of Appeals), undertakes to clarify the rights of the parties on these questions including assurance to A of full opportunity to put in issue "the making" of the arbitration agreement. Under the proposed amendment he must exercise reasonable diligence and promptness in doing so. By the same token, will A be denied the opportunity to speculate upon an award in his favor, and then seek to invalidate the proceedings if the award is adverse on the grounds that there was no valid arbitration agreement to start with?

6. Clarification of the act with respect to the use of provisional remedies.

The proposed amendment of section 8 of the act relates to the use of provisional remedies—like attachment, for example—in connection with arbitrations. There have been doubts whether or not provisional remedies, such as attachment, may be used pending an arbitration under an agreement coming under the United States Arbitration Act. And if such process could be used, and were used, would the party invoking such process be held to have waived his rights under the arbitration agreement?

The proposed amendments would resolve these doubts and provide for the use of such process in the discretion of the court.

The proposed amendment is a substantial copy of a corresponding provision of the Connecticut arbitration act.

7. Remainder of proposed amendments.

The remainder of the proposed amendments are designed to clarify the meaning of the present act and to reconcile existing provisions, so far as necessary, with the foregoing proposed amendments which have just been mentioned for their major importance.

IV.

CHANGES IN EXISTING LAW

The changes which are proposed to be made by the bill (S. 2350) to the text of the United States Arbitration Act, approved February 12, 1925, are set out below. Existing law in which no change is proposed is shown in roman type, matter proposed to be deleted from existing law is shown in black brackets, and new matter is shown in italic.

Definitions; relation to State laws

[That] *Section 1. The term* "maritime transactions," as herein defined, means charter parties, bills of lading of water carriers, agreements relating to wharfage, supplies furnished vessels or repairs to vessels, collisions, or any other matters in foreign commerce which, if the subject of controversy, would be embraced within admiralty jurisdiction; "commerce," as herein defined, means commerce among the several States or with foreign nations, or in any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation *and any business directly and substantially affecting commerce* [but nothing herein contained shall apply to contracts of employment of seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce.] *"Court of the United States" shall mean District Court of the United States. Except with respect to agreements for arbitration qualifying, under sections 2A and 2B hereof and the arbitration proceedings and awards thereunder, this act shall apply concurrently with the arbitration statute of any state, territory, or the District of Columbia, provided that if the rights and remedies shall be invoked under this act, either by agreement of the parties or otherwise, this act shall thereafter apply to the arbitration agreement of the parties and any arbitration proceedings and award thereunder, and if the rights and remedies of any statute of any State, Territory, or the District of Columbia shall be invoked either by agreement of the parties or otherwise, then the provisions of such statute shall thereafter apply to the arbitration agreement of the parties and any arbitration proceedings and award thereunder. If the parties shall provide in their arbitration agreement that this act shall apply, they also may designate what court of the United States shall have jurisdiction of any and all proceedings under this act with respect to such agreement and any arbitration proceedings and award thereunder. Except as herein otherwise expressly provided, the court so designated by the parties shall have exclusive jurisdiction of all such proceedings.*

Validity, irrevocability, and enforcement of agreements to arbitrate

SEC. 2. [That a written provision in any maritime transaction or a contract evidencing a transaction involving commerce to settle by arbitration a controversy thereafter arising out of such contract or transaction, or the refusal to perform the whole or any part thereof] *An agreement in writing to settle by arbitration a controversy thereafter arising out of or with respect to a maritime transaction or a transaction involving commerce, or to settle any other and different controversy thereafter arising between the parties which might be the subject of a civil action or proceeding between the parties, or any of them, in a court of the United States,* or an agreement in writing to submit to arbitration on *any such* existing controversy [arising out of such a contract, transaction, or refusal], shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the [revocation of any contract] *avoidance of contracts generally.*

Agreements to arbitrate labor controversies

Sec. 2A. An agreement in writing between a labor organization, committee, or other representative acting in behalf of two or more employees and any employer, employers, or association or group of employers engaged in a maritime transaction or in commerce to settle by arbitration any controversy or controversies thereafter arising between them, including any controversies concerning, past, present, or future rates of pay, wages, hours of employment, and any other and different past, present, or future terms or conditions of employment of any employee or employees of such employer or employers, or an agreement in writing between two or more labor organizations to settle by arbitration any controversy or controversies thereafter arising between them which shall affect any employer engaged in any maritime transaction or in commerce, or an agreement in writing by such parties to submit to arbitration any such existing controversy, shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the avoidance of contracts generally. No agreement for arbitration shall qualify under this section unless the parties shall provide therein what district court of the United States shall have jurisdiction of any and all proceedings under this act with respect to such agreement and any arbitration proceedings and award thereunder. Except as herein otherwise expressly provided, the District court of the United States so designated by the parties shall have exclusive jurisdiction of all such proceedings.

Officers of the United States authorized to enter into arbitration agreements

Sec. 2B. Any officer or officers of the United States, or of a department or agency thereof, authorized to enter into a contract on behalf of the United States or such department or agency may agree in writing to settle by arbitration any claim or controversy thereafter arising out of or with respect to such contract or to submit to arbitration any existing claim or controversy arising out of or with respect to such contract. In the absence of any such agreement for arbitration the Attorney General or Solicitor General otherwise having authority in the premises may authorize or enter into an agreement in writing for the submission to arbitration of any existing claim or controversy arising out of or with respect to a contract lawfully entered into on behalf of the United States or any department or agency thereof. Every such written agreement for arbitration shall be valid, irrevocable, and enforceable, save upon such grounds as exist at law or in equity for the avoidance of contracts generally. No agreement for arbitration shall qualify under this section unless the parties shall provide therein what district court of the United States shall have jurisdiction, or that the Court of Claims shall have jurisdiction of any and all proceedings under this act with respect to such agreement and any arbitration proceedings and award thereunder. Except as herein otherwise expressly provided, the district court of the United States, or the Court of Claims, as so designated by the parties, shall have exclusive jurisdiction of all such proceedings.

Stay of proceedings where issue therein referable to arbitration

SEC. 3. [That if] *If* any [suit] *civil action* or proceeding be brought in any [of the courts] *court* of the United States *or in the Court of Claims* upon any issue referable to arbitration [under an agreement in writing for such arbitration,] *under any agreement in writing for arbitration, whether or not otherwise subject to this act,* the court in which such [suit] *action or proceeding* is pending, upon being satisfied that the issue involved in such [suit] *action* or proceeding is referable to arbitration under such [an] agreement, shall on application of one of the parties stay the trial [of the action] until such arbitration has been had in accordance with [the terms of] the agreement, providing the applicant for the stay [is not in default in proceeding] *is ready* and willing to proceed with such arbitration.

Failure to arbitrate under agreement; petition to United States court having jurisdiction for order to compel arbitration; notice and service thereof; hearing and determination

SEC. 4. [That a] *A* party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under [a written] *an agreement for arbitration subject to this act* may, *regardless of the amount of the matter in controversy,* petition *the court designated by the parties in their agreement for arbitration or, if no court is required to be so designated and none is designated,* any court of the United States [which, save for such agreement, would have jurisdiction under the judicial code at law, in equity, or in admiralty of the subject matter of a suit arising out of the controversy between the parties,] *otherwise having jurisdiction under the laws of the United States of a civil action or proceeding arising out of the matter in controversy* for an order directing that such arbitration proceed [in the manner provided for in such agreement] *in accordance with such agreement.* Five days' notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by law for the service of summons in the jurisdiction in which the proceeding is brought. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure, *neglect, or refusal* to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the [terms of the] agreement [: *Provided,* That the hearing and proceedings under such agreement shall be within the district in which the petition for an order directing such arbitration is filed]. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by law for referring to a jury issues in an equity action, or may specially call a jury for that purpose. If the jury *shall* find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury *shall* find that an agreement *in writing* for arbitration was made [in writing] and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance [with the terms thereof] *therewith. Any order under this section directing the parties to proceed with an arbitration also shall, upon petition of the aggrieved party, require the stay of any civil action or proceeding which shall have been brought or which may be brought in any court of any State, Territory, or the District of Columbia upon any issue referable to arbitration under the arbitration agreement of the parties.*

Appointment of arbitrators or umpire

SEC. 5. [That if] *If* in the agreement *for arbitration* provision be made for a method of naming or appointing an arbitrator or arbitrators or an umpire, such method shall be followed; but if no method be provided therein, or if a method be provided and any party thereto shall fail to avail himself of such method, or if for any other reason there shall be a lapse in the naming of an arbitrator or arbitrators or umpire, or in filling a vacancy, then upon the application of [either] *a* party to the controversy, the court *designated by the parties in their agreement for arbitration, or if no court is required to be so designated and none is designated, any court of the United States otherwise having jurisdiction under the laws of the United States of a civil action or proceeding arising out of the matter in controversy,* shall, *regardless of the amount of the matter in controversy,* designate and appoint an arbitrator or arbitrators or umpire, as the case may require, who shall act under the said agreement with the same force and effect as if he or they had been specifically named therein; and unless otherwise provided in the agreement the arbitration shall be by a single arbitrator.

Application heard as motion

SEC. 6. [That any] *Any* application to the court hereunder shall be made and heard in the manner provided by law for the making and hearing of motions, except as otherwise herein expressly provided.

Witnesses before arbitrators; fees; compelling attendance

SEC. 7. [That the arbitrators selected either as prescribed in this act or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them] *Any arbitrator or umpire duly selected or appointed under this act may summon in writing any person to attend the arbitration hearing and testify* as a witness and in a proper case to bring with him [or them] any book, record, document, or paper which [may be deemed] *he may deem* material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses before masters of the United States courts. Said summons shall issue in the name of the arbitrator [or arbitrators, or a majority of them, and shall be signed by the arbitrators, or a majority of them], *arbitrators, or umpire appointed to hear the case; and shall be signed by the one issuing the summons,* and shall be directed to the said person and shall be served in the same manner as subpenas to appear and testify before [the court] *a court of the United States.* If any person [or persons] so summoned to testify shall refuse or neglect to obey said summons, upon petition [the United States court] *a court of the United States* in and for the district [in which such arbitrators, or a majority of them, are sitting] *wherein the arbitration hearing has been duly called* [may], *and regardless of whether or not the parties have designated any other court in their agreement for arbitration, may compel the attendance of such person* [or persons before said arbitrator, or arbitrators] *at such hearing,* or punish said person [or persons] for contempt in the same manner [now provided] *as is provided by law* for securing the attendance of witnesses [or] *and* their punishment for neglect or refusal to attend in the courts of the United States.

Ex parte arbitrations and awards; when the making of the arbitration agreement may be put in issue

SEC. 7A. *If a party shall participate in the selection of the arbitrators or in any of the proceedings before them, he may not thereafter deny or put in issue the making of the agreement for arbitration regardless of whether or not he shall have reserved such objection before the arbitrators or otherwise. If a party shall not participate in the selection of the arbitrators or in any proceedings before them and no order shall have been entered against him in a proceeding under section 4 of this Act, he may put in issue the making of the agreement for arbitration by an application for a stay of the arbitration or in opposition to the confirmation of the award: Provided, however, That if a notice shall have been personally served upon such party of an intention to conduct the arbitration at the time and place fixed for the arbitration, then the making of the agreement for arbitration may be put in issue only by an application for a stay of the arbitration. A notice of intention to arbitrate shall set forth in substance that unless within ten days after its service, the party served therewith shall serve a notice of application to stay the arbitration, he shall thereafter be barred from putting in issue the making of the agreement for arbitration. Notice of the party's application for stay of the arbitration may not be served after ten days following the service of the notice of intention to arbitrate. Upon such application to stay the arbitration the arbitration hearing shall thereupon be adjourned pending the final determination of the application. If the opposing party, either on an application for stay of the arbitration or in opposition to the confirmation of an award, shall set forth evidentiary facts raising a substantial issue as to the making of the agreement for arbitration, an immediate trial of the issue shall be had, and such party may demand a jury trial as in a proceeding under Section 4 of this act. If such opposing party shall be successful in his application for the stay the arbitration shall abate; otherwise it shall proceed at such time and place as shall be duly fixed under the agreement for arbitration. An application under this section may be made to any court of the United States having jurisdiction over the place fixed for the arbitration hearing regardless of the amount of the matter in controversy and regardless of whether or not the parties have designated any other court in their agreement for arbitration.*

Proceedings begun by libel in admiralty and seizure of vessel or property; provisional remedies

SEC. 8. [That if] *If* the basis of jurisdiction be a cause of action otherwise justiciable in admiralty, then, notwithstanding anything herein to the contrary, the party claiming to be aggrieved may begin his proceeding hereunder by libel and seizure of the vessel or other property of the other party according to the usual course of admiralty proceedings, and the court shall [then have jurisdiction to] direct the parties to proceed with the arbitration and shall, *regardless of whether or not the parties have designated any other court in their agreement for arbitration,* retain jurisdiction to enter its decree upon the award.

At any time before an award shall be rendered pursuant to an agreement for arbitration subject to this act, the court designated by the parties in their agreement for arbitration, or if no court is required to be so designated and none is designated, any court of the United States otherwise having jurisdiction under the laws of the United States of a civil action or proceeding arising out of the matter in controversy, or a judge thereof, may, upon application of any party to the arbitration agreement, and regardless of the amount of the matter in controversy, make forthwith such order or decree, issue such process, and direct such proceedings as may be necessary to protect the rights of the parties pending the rendering of the award and to secure the satisfaction thereof when rendered and finally confirmed under this act. Every such application shall be without prejudice to the applicant's rights and further remedies under this act, and no such application shall authorize the court to direct or restrain the arbitration proceedings or the course of conduct of the arbitration with respect to them.

Awards of arbitrators; confirmation; jurisdiction; procedure

SEC. 9. [If the parties in their agreement have agreed that a judgment of the court shall be entered upon the award made pursuant to the arbitration and shall specify the court] *Whether or not the parties shall agree that a judgment of any court shall be entered upon an award rendered under an agreement for arbitration, which is subject to this act, every such award shall be enforceable and judgment entered thereon as herein provided.*

If the parties shall have designated a court in their agreement for arbitration, then at any time within 1 year after the award is made any party to the arbitration may apply to the court so specified, *regardless of the amount of the matter in controversy,* for an order confirming the award *and entry of judgment thereon,* and thereupon the court [must] *shall* grant such an order unles the award is vacated, modified, or corrected as prescribed in sections 10 and 11 of this act. If no court is [specified in the agreement of the parties,] *required to be designated in the agreement under this act and none is designated,* then such application may be made to [the United States court in and for the district within which such award was made] *a court of the United States within the territorial jurisdiction of which the award was made and regardless of the amount of the matter in controversy.* Notice of the application shall be served upon the adverse party, and thereupon the court shall have jurisdiction of such party as though he had appeared generally in the proceeding. If the adverse party is a resident of the district *over which the court has jurisdiction* [within which the award was made] such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident *of such district,* then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court.

Same; vacation; grounds; rehearing

SEC. 10. [That in either of the following cases the United States court in and for the district wherein the award was made may make an order vacating the award upon the application of any party to the arbitration.] *In any of the following cases the court designated by the parties in their agreement for arbitration, or if no court is required to be so designated and none is designated, a court of the United States within the territorial jurisdiction of which the award was made shall, regardless of the amount of the matter in controversy, make an order vacating the award upon application of any party to the arbitration:*

(a) Where the award was procured by corruption, fraud, or undue means.

(b) Where there was evident partiality or corruption in the arbitrators, or either of them.

(c) Where the arbitrators were guilty of misconduct in refusing to postpone the hearing, upon sufficient cause shown, or in refusing to hear evidence pertinent and material to the controversy; or of any other misbehavior by which the rights of any party have been prejudiced.

(d) Where the arbitrators exceeded their powers, or so imperfectly executed them that a mutual, final, and definite award upon the subject matter submitted was not made.

(e) Where an award is vacated and the time within which the agreement required the award to be made has not expired, the court may, in its discretion, direct a rehearing by the arbitrators.

Same; modification or correction; grounds; order

SEC. 11. [That in either of the following cases the United States court in and for the district wherein the award was made may make an order modifying or correcting the award upon the application of any party to the arbitration] *In any of the following cases the court designated by the parties in their agreement for arbitration, or if no court is required to be so designated and none is designated, a court of the United States within the territorial jurisdiction of which the award was made shall, regardless of the amount of the matter in controversy, make an order modifying or correcting the award upon application of any party to the arbitration:*

(a) Where there was an evident material miscalculation of figures or an evident material mistake in the description of any person, thing, or property referred to in the award.

(b) Where the arbitrators have awarded upon a matter not submitted to them, unless it is a matter not affecting the merits of the decision upon the matter submitted.

(c) Where the award is imperfect in matter of form not affecting the merits of the controversy.

The order may modify and correct the award so as to effect the intent thereof and promote justice between the parties.

Notice of motions to vacate or modify; service; stay of proceeding

SEC. 12. [That notice] *Notice* of motion to vacate, modify, or correct an award must be served upon the adverse party or his attorney within 3 months after the award is [filed or] delivered *to the parties.* If the adverse party is a resident of the district within which the award was made, such service shall be made upon the adverse party or his attorney as prescribed by law for service of notice of motion in an action in the same court. If the adverse party shall be a nonresident *of such district* then the notice of the application shall be served by the marshal of any district within which the adverse party may be found in like manner as other process of the court. For the purposes of the motion any judge who might make an order to stay the proceedings in an action brought in the same court may make an order, to be served with the notice of motion, staying the proceedings of the adverse party to enforce the award.

Papers filed with order on motions; judgment; docketing; force and effect; enforcement

SEC. 13. [That the] *The* party moving for an order confirming, modifying, or correcting an award shall, at the time such order is filed with the clerk for the entry of judgment thereon, also file the following papers with the clerk:

(a) The agreement; the selection or appointment, if any, of an additional arbitrator or umpire; and each written extension of the time, if any, within which to make the award.

(b) The award.

(c) Each notice, affidavit, or other paper used upon an application to confirm, modify, or correct the award, and a copy of each order of the court upon such an application.

The judgment shall be docketed as if it was rendered in [an action] *a civil action or proceeding.*

The judgment so entered shall have the same force and effect, in all respects as, and be subject to all provisions of law relating to a judgment in *a civil action* [an action]; and it may be enforced as if it had been rendered in an action in the court in which it is entered: *Provided, That if the award, or some part thereof, is in the nature of a declaration of the rights or obligations of the parties, the judgment shall be effective accordingly as if it were a declaratory judgment entered in a proceeding under section 274d of the Judicial Code.*

[SEC. 14. That this act may be referred to as "The United States Arbitration Act."]

[SEC. 15. That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect on and after the 1st day of January next after its enactment, but shall not apply to contracts made prior to the taking effect of this act.]

Separability clause

SEC. 14. If any provision of this act or the application of such provision to any persons or circumstances shall be held invalid, the remainder of this act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Repeals

SEC. 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Short title

SEC. 16. This act may be cited as the "United States Arbitration Act."

Effective date of amendments

The following provision of S. 2350 indicates the time and extent of the application of the amendments which it makes to the existing United States Arbitration Act:

SEC. 2. The amendments made by this act shall take effect on the 1st day of January after the date of enactment of this act, but such amendments shall not apply to any contract or agreement made prior to the effective date of such amendments.

AMENDMENT TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. WHEELER submitted an amendment intended to be proposed by him to the bill (H. R. 6709) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

Under the heading "Forest roads and trails," strike out "$6,500,000" and in lieu thereof to insert "$9,990,165."

EXPANSION OF THE AIR TRANSPORT INDUSTRY

Mr. GEORGE. Mr. President, I ask consent to submit a resolution for reference to the Committee on Interstate Commerce. It covers a matter of some importance. It is not based upon the reported effort today on the part of this Government to acquire transport planes or ships from South American countries confiscated from German or other Axis powers, but that circumstance is relevant, I think, in connection with the resolution which I am offering. The resolution calls for information from the Civil Aeronautics Board and is based primarily upon information which comes to me to the effect that we have now in the United States not more than 350 aircraft in service on the domestic air lines, a number which is manifestly totally inadequate, in light of the demands for air transportation and for transport aircraft. I ask that the resolution be referred to the Committee on Interstate Commerce.

There being no objection, the resolution (S. Res. 228) was received and referred to the Committee on Interstate Commerce, as follows:

Whereas the Congress adopted the Civil Aeronautics Act of 1938 with the firm intention that the air-transport industry of the United States be developed far beyond its present extent; and

Whereas it was recognized in section 2 and in other provisions of said act that such development of United States air-transport facilities nationally and internationally is vital to the national defense as well as to the commerce and postal service of the United States; and

Whereas the events of the last 4 years have fully confirmed the wisdom of Congress in seeking such development of this essential industry; and

Whereas in order to further the fullest development of such essential industry, the Congress completely eliminated air transportation from the scope of the several regulatory and investigative titles of the Transportation Act of 1940; and

Whereas there are now only some 350 aircraft in service on the domestic air lines, a number which appears totally inadequate in the light of the demands for air transportation and for transport aircraft: Therefore be it

Resolved, That the Civil Aeronautics Board be requested, if not inconsistent with the public interest, to report to the Senate of the United States at the earliest possible date what, if any, steps it has taken since 1938 to see that a great many more transport aircraft were built and in service, whether the air-transport industry has been, since that date, and is financially able to undertake expansion far beyond its present extent, and what steps the Board contemplates taking to see to it that the air-transport industry is able to and will develop in the future at the maximum possible rate.

SYSTEM OF LONGEVITY PAY FOR POSTAL EMPLOYEES—CONFERENCE REPORT

Mr. McKELLAR submitted the following conference report, which was ordered to lie on the table:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1057) to establish a system of longevity pay for postal employees having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the language inserted by the Senate amendment insert the following: "as a reward for continuous service heretofore rendered or to be rendered hereafter, shall be granted $84 per annum in addition to their base pay as now or hereafter fixed by law upon completion of 10 years' service; and an additional $60 per annum upon the completion of an additional 5-year period of service thereafter: *Provided*, That no credit shall be given for service after the fifteenth year of employment: *Provided further*, That in computing an employee's length of service, credit shall be given for substitute service"; and the Senate agree to the same.

KENNETH MCKELLAR,
JAS. M. MEAD,
PAT MCCARRAN,
JAMES J. DAVIS,
Managers on the part of the Senate.

M. A. ROMJUE,
T. G. BURCH,
FRED A. HARTLEY, Jr.,
N. M. MASON,
Managers on the part of the House.

COMPLIANCE WITH THE SUGAR QUOTA LAW BY EXECUTIVE DEPARTMENTS

Mr. MURDOCK. Mr. President, I wish to refer very briefly to a letter written by the junior Senator from Virginia [Mr. BYRD] to the Secretary of Agriculture, which, if I remember aright, appeared in the Saturday newspapers in Washington. If I read the letter correctly, it requested the Secretary of Agriculture not to do anything in conformity with the sugar-quota law which is now on the statute books—so far, particularly, as entering into contracts under that law was concerned—until the Senator from Virginia and his committee had an opportunity to investigate certain phases of the situation.

I do not know of any contracts which are contemplated under the sugar law referred to by the Senator from Virginia, but I do know that in California today the season for planting sugar beets has about arrived. I know that in the very near future the producers will be planting sugar beets throughout most of the intermountain region. I am not familiar with the situation in Louisiana and Florida with reference to the planting of sugarcane, but I assume that if the producers there are not already engaged in planting, they will be in the very near future.

As late as December last the Congress of the United States reaffirmed its policy regarding sugar legislation. The sugar-beet producers of the West and the cane producers of Florida and Louisiana have a right to assume, and they do assume, that what the law says is what they can depend on in the planting of the present crop. We know that there is a sugar shortage in the United States; we know that if there is an industry in the United States which should be stabilized, and on which the farmers of the United States should be able to depend so far as existing law is concerned, it is the sugar industry.

Without saying anything disrespectful whatever of the junior Senator from Virginia, it is my opinion that when we have a law on the statute books, and a policy which was reaffirmed as late as December 1941, it is not proper, it is not, in my opinion, correct procedure, for any Senator or Representative to say to any executive department, "You should not go ahead under existing law until I or until my committee have an opportunity to investigate."

When we write the laws of the land, when we put them on the statute books, in my opinion, until we change them, either by repeal or modification in Congress, they should remain the law, and no one here has a right, on his own authority or that of some committee, to tell an executive department to desist or to refrain from enforcing and carrying the law into effect as it was intended by the Congress.

Mr. BYRD subsequently said: Mr. President, I ask unanimous consent to have printed in the body of the RECORD as a part of my remarks a letter which I have written to Secretary of Agriculture, Mr. Wickard, with respect to certain sugar benefits which are now being paid. The letter was written by me as a member of the Senate Committee on Finance because of the fact that the question of sugar legislation will shortly come before the committee for review. The letter was not written as chairman of the Joint Committee on the Reduction of Nonessential Federal Expenditures.

The Senator from Utah [Mr. MURDOCK] made some comment, I am told, in the temporary absence of the Senator from Virginia, in criticism of the letter. I am glad to have it printed in the RECORD. The Senator from Virginia has no apologies to make for writing it. The letter will stand and explain itself.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 6, 1942.

The Honorable CLAUDE R. WICKARD,
Secretary of Agriculture.

MY DEAR MR. SECRETARY: Under the Sugar Control Act, an appropriation in the amount of $47,962,910, for sugar benefit payments, has been requested by you as Secretary of Agriculture, has been recommended by the President, and is now before Congress for consideration. I realize that this appropriation is requested in accordance with sugar legislation recently adopted by the Congress.

The chief justification for such an appropriation heretofore has been that sugar producers should be compensated for a reduction in the acreage devoted to the production of both cane and beet sugar within the United States and its continental possessions. Now the situation has changed completely. We are facing a sugar shortage, and even now sugar is being rationed, with more drastic action to come.

Your Department, for the year 1942, has removed the limitation on sugar production. If this had been done last year, at least a part of the present sugar shortage would have been avoided.

I am informed now by a representative of your Department that notwithstanding the removal of the limitation on sugar production, your Department is preparing to pay sugar producers benefits, the main justification for which originally was a reduction in the acreage devoted to sugar production. In fact, these benefit payments, under an act passed by Congress, will be increased for 1942 to the extent of 30 percent over 1941.

Let me call your attention to the fact that the United States Sugar Corporation in Florida will receive a benefit payment of $474,807. It is true, of course, that this company will make greatly increased profits because of the fact that the price of sugar has increased and, likewise, because the limitation on production has been removed. Why, then, should this wealthy corporation receive nearly a half million dollars out of the Federal Treasury?

I list below other large payments to sugar companies:

Realty Operators, Inc., New Orleans, $126,035.

South Coast Corporation, New Orleans, $186,020.

Hawaiian Commercial & Sugar Co., Puunene, Maui, $572,540.

Lihue Plantation Co., Ltd., Lihue, Kauai, $514,884.

Oahu Sugar Co., Ltd., Waipahu, Oahu, $514,862.

The largest subsidy payment being made is to Luce & Co., S. en C., Aguirre, in the amount of $619,443.

I will not take the time to give all of the other large benefit payments that will be made out of the Treasury to those who have heretofore had to reduce their sugar acreage, but who now will benefit by the removal of all restrictions. Forty-six corporations in all receive payments ranging from $106,000 to $619,000. Hundreds of individuals and corporations likewise receive payments ranging from $10,000 to $100,000.

As you know, I have consistently opposed these huge subsidies out of the Federal Treasury I can see no reason why the sugar operators should be placed in a preferred class. Likewise, I have come in contact with one of the most powerful lobbies that exists in Washington, and that is the sugar lobby.

It should be remembered that all of these sugar producers receive, in addition to these benefit payments, the soil-conservation payments, and the other benefit payments generally made to farmers.

Here is a chance to save nearly $50,000,000. Every dollar saved means a dollar less in new taxes, or a dollar more to finance our war preparations.

My main purpose in writing you is to request that you make no contracts for these benefit payments until Congress has an opportunity to review the sugar-control legislation in the light of the present situation, so that the repeal of these subsidies can be effected.

I ask you, as Secretary of Agriculture, to assist those in both branches of Congress who will make a determined effort to eliminate this nonessential spending.

With best wishes, I am,

Faithfully yours,

HARRY F. BYRD.

ADDRESS BY SENATOR LEE AT GEORGE WASHINGTON BIRTHDAY DINNER, OKLAHOMA CITY

[Mr. LEE asked and obtained leave to have printed in the RECORD an address entitled "Our National Welfare Requires Unity," delivered by him on the occasion of the George Washington birthday dinner at Oklahoma City, Okla., on February 23, 1942, which appears in the Appendix.]

ADDRESS BY SENATOR CHAVEZ TO THE PEOPLE OF CENTRAL AND SOUTH AMERICA

[Mr. HILL asked and obtained leave to have printed in the RECORD a radio address delivered by Senator CHAVEZ to the people of Central and South America, which appears in the Appendix.]

LETTER FROM A SOLDIER'S FATHER

[Mrs. CARAWAY asked and obtained leave to have printed in the RECORD a letter from the father of an ex-service man, published in the Arkansas Gazette, which appears in the Appendix.]

SUGAR-BEET PRODUCTION

[Mr. MURRAY asked and obtained leave to have printed in the RECORD a message to the President of the United States from the Tongue and Yellowstone Beet Growers' Association, which appears in the Appendix.]

THE 40-HOUR WEEK—EDITORIAL FROM HUTCHINSON (KANS.) NEWS

[Mr. REED asked and obtained leave to have printed in the RECORD an editorial from the Hutchinson (Kans.) News of February 27, 1942, entitled "Still Dreaming—Ungentlemanly Act—Military Touch," which appears in the Appendix.]

WHERE TO BUY A NEW CAR—EDITORIAL FROM KANSAS CITY DROVERS TELEGRAM

[Mr. REED asked and obtained leave to have printed in the RECORD an editorial from the Kansas City Daily Drovers Telegram entitled "Where To Buy a New Car," which appears in the Appendix.]

PRICES OF FARM COMMODITIES—EDITORIAL FROM TOPEKA JOURNAL

[Mr. REED asked and obtained leave to have printed in the RECORD an editorial from the Topeka (Kans.) Journal of March 2, 1942, entitled "On Two Fronts," which appears in the Appendix.]

COOPERATION IN WINNING THE WAR

[Mr. WILEY asked and obtained leave to have printed in the RECORD a letter from Van B. Hooper, of Milwaukee, Wis., relating to the cooperation necessary to winning the war, which appears in the Appendix.]

COMPLACENCY OF THE MIDDLE WEST—EDITORIAL FROM THE COURIER-WEDGE

[Mr. WILEY asked and obtained leave to have printed in the RECORD an editorial from the Courier-Wedge, of Durand, Wis., entitled "No Horrible Complacency," which appears in the Appendix.]

BRAZIL: KEY TO THE FUTURE—ARTICLE FROM THE SIGN

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article from the magazine the Sign entitled "Brazil: Key to the Future," which appears in the Appendix.]

ALL WE CAN GIVE—ARTICLE BY ROBERT K. LEAVITT

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article from the magazine This Week entitled "All We Can Give," which appears in the Appendix.]

SENATOR FROM NORTH DAKOTA

The VICE PRESIDENT. The Chair lays before the Senate the special order previously adopted for this hour, namely, Senate resolution 220, which the clerk will read.

The legislative clerk read as follows:

Resolved, That the case of WILLIAM LANGER does not fall within the constitutional provisions for expulsion or any punishment by two-thirds vote, because Senator LANGER is neither charged with nor proven to have committed disorderly behavior during his membership in the Senate.

Resolved, That WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota.

Mr. LUCAS obtained the floor.

Mr. LA FOLLETTE. Mr. President, the Senator from Illinois has been ready to proceed for some time, but has permitted various Senators to interrupt for various purposes, and I should like to ask him whether his patience is exhausted, because I should like to take 2 or 3 minutes. If he does not care to yield I shall wait until he has proceeded with his argument. He has been very generous.

Mr. LUCAS. I should like to proceed with my argument, Mr. President, but I yield to the Senator.

Mr. LA FOLLETTE. I shall not ask the Senator to yield, because I should like to take 4 or 5 minutes. I thank him, however.

Mr. LUCAS. Mr. President, the highly privileged resolution now before the Senate of the United States is based upon charges of acts involving moral turpitude committed by Senator WILLIAM LANGER, of North Dakota, prior to January 3, 1941, the day upon which the constitutional oath was administered to the Senator-elect by the President of the Senate. Preliminary to the argument of the legal questions presented and a statement of the facts upon which the committee is content to rest its decision, I deem it advisable to make a few general observations and a few general remarks.

In the first place, it may occur to some to ask why the Senator from Illinois happens to be in this position, in view of the fact that the junior Senator from Rhode Island [Mr. GREEN] is the chairman of the Committee on Privileges and Elections. Senators will remember that this case came to the Committee on Privileges and Elections in January 1941. At that time the senior Senator from Texas [Mr. CONNALLY] was the chairman of that committee. Later on the Senator from New Mexico [Mr. HATCH] became chairman of that committee, and was chairman during most of the time the evidence was taken, and after that the Senator from Rhode Island [Mr. GREEN] became chairman, and he is now chairman of that committee.

In the very beginning of this case the senior Senator from Texas appointed the Senator from Illinois as chairman of a subcommittee to employ investigators, and after the investigators were employed and made their report, the Senator from Illinois was again appointed as chairman of the subcommittee to go over the report which had been submitted by the investigators, so the Senator from Illinois happens to be in this role today because of his appointment as chairman of these subcommittees.

Mr. President, at this point I think it the better part of wisdom to introduce into the RECORD the original petition which was filed by counsel for petitioners, and which asks in the prayer of the petition, among other things, that the respondent, WILLIAM LANGER, be denied the right to fill and occupy the position and office of United States Senator from the State of North Dakota. I ask unanimous consent to have that petition introduced in the RECORD at this point, without reading it.

The VICE PRESIDENT. Without objection, it is so ordered.

The petition is as follows:

To the Senate of the United States, Committee on Privileges and Elections:

C. R. VERRY, JOHN L. MIKELTHUN, ASWARLD BRAATEN, J. H. MCCOY, I N. AMICK, ALLAN MCMANUS, KRISTIAN HALL, T. A. CRAWFORD, AND D. D. RILEY ET AL WHO MAY CARE TO APPEAR HEREIN AND BECOME PARTIES HERETO, PETITIONERS, *v.* WILLIAM LANGER, RESPONDENT, CLAIMING THE RIGHT TO A SEAT IN THE UNITED STATES SENATE FROM THE STATE OF NORTH DAKOTA

AMENDED PETITION

Leave of the Senate Committee on Privileges and Elections having been first had and obtained, the undersigned counsel for the original petitioners herein as named in the caption hereof, file this, their amended petition, as follows:

I. Election frauds

Petitioners allege that Respondent WILLIAM LANGER is, and long has been, openly, notoriously, and admittedly corrupt in his official and public life in the State of North Dakota, including his campaign for election to public office, specifically and most recently in connection with his candidacy for nomination and election to the office of United States Senator, to wit, that as the head of the Republican Party in and for said State, and of the Farmers' Union and Non-Partisan League, and while running for the nomination and later for election to the office of United States Senator he, the said respondent, controlled the election machinery of said State, and by and through said control procured and caused the casting and counting in his favor of, to wit, many thousands of illegal absentee ballots; that during the primary and the general election of 1940, when he was a candidate for nomination and election to the United States Senate, he procured the destruction of many thousands of ballots validly and regularly cast against him, and procured many other thousands of ballots

cast against him to be changed to show that they had been cast in his favor, and the same were not counted against him; that there has been no general official contest or recount of the votes cast for and against respondent in the election in which he sought a seat as United States Senator, and your petitioners are, therefore, unable to allege the total number of ballots destroyed, changed, and altered, as aforesaid; that in the course of a contest and recount involving two State officials, however, for whom votes were cast on the same ticket on which respondent was running for United States Senate, it was found that many irregular absentee and other ballots had been cast and were thrown out; that said contest and recount disclosed that an average of, to wit, from 8 to 10 votes in the voting precincts of one of the contested counties alone were irregular and voided for the reasons hereinbefore stated; that respondent, on the votes counted and returned, had but slightly more than 8,000 majority for the United States Senatorship; and that, on the ratio of illegal ballots thrown out and voided as aforesaid, there were, it is believed and alleged, enough such void ballots in the entire State (including more than 2,000 precincts) to change the announced results of his election to the United States Senate.

That during the 1940 election campaign, respondent inserted and paid for an advertisement in a newspaper known as the North Dakota Union Farmer, which advertisement read as follows:

"Congressman USHER L. BURDICK, the best friend of the Farmers' Union says:

"'I am for LANGER for United States Senator, and ask all my Farmers' Union friends to vote for him.'

"U. L. BURDICK *Congressman.*

"P. S.—Please vote for me too"

Although respondent then and there well knew, when he inserted said advertisement 4 days prior to said election that he had not been authorized by Congressman U. L. BURDICK to insert such advertisement, or to make such representations in any way, manner, or form; and that said false and misleading advertisement operated to, and did, perpetrate a fraud upon and against other candidates for the United States Senate in said election.

That in past elections in North Dakota, official returns have demonstrated that the total votes cast for senatorial candidates have exceeded the total vote cast for the Presidential candidates; but in the November 1940, election, the returns show that 16,674 more ballots were cast for the Presidential candidates than for the senatorial candidates, and the total of 286,000 votes counted for all candidates were 6,000 more than the total vote counted for President, and more than 22,000 in excess of the total votes counted for senatorial candidates, indicating that many thousand ballots were voided by those in charge of the election machinery.

That in previous elections involving respondent's candidacies for public offices, including the office of Governor and United States Senator (in 1938), respondent publicly and privately admitted and boasted that between 31,000 and 38,000 illegal absentee ballots were cast and counted for him, and in public speeches advised and counseled audiences and persons that anyone could vote in North Dakota, by saying: "Anyone who wishes can vote in North Dakota; all you have to do is come over to our State, register at a hotel, drop our office a line, and that makes you a resident whether you are going to live in our State or not, then, when the next election comes around, we'll send you an absentee ballot, and you can cast your vote as a North Dakota citizen."

II. Conduct involving moral turpitude

Petitions further allege that for, to wit, the past 20 years, respondent's public and private life has been of such character that he has been repeatedly suspected and accused of conduct involving moral turpitude, and, pursuant to such conduct, he was indicted, tried, and convicted in the United States District Court for North Dakota of the offense of conspiracy, with other persons, to bring about a corrupt and fraudulent enforcement, and to prevent the proper enforcement, of certain Federal statutes; that said conviction was reversed on appeal, however, on the grounds (1) that error was committed at the trial, and (2) that the sentence of the court had not been imposed in due time; that said case was reversed, as stated, and remanded, and was thereafter twice tried, with the jury standing 10 to 2 for conviction on the second trial, and on the third trial, a directed verdict of "not guilty" was returned; that between the said first and second trials, respondent filed an affidavit of prejudice against the presiding judge, resulting in said judge recusing himself and the assignment of another judge; that out of said affidavit of prejudice, an indictment for perjury was returned against respondent, which, on trial, resulted in a directed verdict by the new presiding judge, which, it is alleged, led to the acquittal of respondent in the third trial of said conspiracy charge.

That during the pendency of the Federal criminal charges aforesaid, the Supreme Court of the State of North Dakota, basing its decision on the record of conviction aforesaid in the Federal court, sustained a proceeding ousting respondent from the office of Governor for the State of North Dakota, and, pursuant thereto, respondent was actually ousted from said office of Governor.

Petitioners further allege that, while testifying as a witness in his own behalf in the Federal court trial of the charge of conspiracy aforesaid, respondent admitted that he received and accepted, to wit, $19,000 which had been exacted and collected from State and Federal employees, and State contractors, for his own political uses and purposes, and that, to wit, $300 or more of which, as respondent further admitted, was exacted, collected, and received from Federal relief clients, in violation of Federal statutes.

That during the second trial of the Federal conspiracy charge, as aforesaid, respondent personally and through other persons, bribed the two jurors who stood out for acquittal in said second Federal conspiracy trial, and likewise personally and through other persons influenced and procured the designated judge of the Federal court to, and he did, so instruct the jury in the third conspiracy trial that it was persuaded to, and did, return a verdict of acquittal of the respondent, as aforesaid; and that respondent on divers occasions paid personally to the son of said designated trial judge, and to the United States Marshal in the United States District Court of South Dakota, the home district of said designated judge, certain moneys and funds, both in cash and by check, for the purpose of influencing said designated trial judge.

That during the time respondent served as Governor of the State of North Dakota, he accepted the sum of, to wit, $4,000 for a pardon, which is of record in the State court of North Dakota, in a suit brought by the convict's mother to recover the sum so paid, which suit was settled and dismissed when the convict was forced, by threats of bodily harm, to persuade his mother to withdraw said suit.

That during the time respondent was Governor of the State of North Dakota, he was, as Governor, ex officio a member of the board of directors of the North Dakota State Bank, an institution owned and operated by said State; that as such director he voted to, and the bank did, contrary to its usual custom, refuse to purchase the bonds of numerous counties of the State, and saw to it that said counties disposed of their bonds at a discount through a brokerage house owned and operated by respondent's friends and associates; that respondent then and there procured said North Dakota State Bank to, and it did, then purchase said bonds from said brokerage house at par or above par; that said conduct of respondent constituted a fraud upon said counties, and operated to respondent's own financial benefit in the sum of, to wit, $75,000.00.

That in the year 1938, while Governor of North Dakota, respondent conspired with one Gregory Brunk and V. W. Brewer, the owners of a brokerage concern known as V. W. Brewer & Co., to cover up and conceal part of the profits to himself on said bond sales as mentioned and set forth in the next preceding paragraph hereof, and in furtherance of said conspiracy respondent consummated a fictitious sale to said Gregory Brunk, operating under the name of The Realty Holding Company, for $20,000.00, 2,000 acres of land in Kidder County, N. Dak., which respondent had previously bought for $7,000.00; and that when said fictitious sale was consummated, said land was subject to three years' arrears in taxes, which taxes said Gregory Brunk assumed.

That during the time respondent served as Governor of North Dakota, he did numerous other and further acts evincing moral turpitude and a disregard for law, among them being the giving of a radio address in which he said among other things, "If the Federal seed and loan collectors come on your place, treat them as you would treat a chicken thief."

Petitioners further allege that if the committee or a subcommittee thereof will sit in North Dakota and afford petitioners opportunity to present witnesses and proof, they will prove that respondent has been guilty in recent years of accepting, through coconspirators, many other sums of money from the State treasury and individuals for fictitious legal services and political favors, to wit, among other things, the collection of a fee of $500 and interest for alleged legal services, and $976 kick-back commission from a representative of the Heil Manufacturing Co., of Milwaukee, Wis., for road machinery purchased by the State of North Dakota, all the while respondent was Governor of the State of North Dakota.

Petitioners further allege that, between the primary and the general election of 1940, respondent, at the State Republican convention, promised one Thomas Whelan, a candidate he had defeated in the said primary, that he, respondent, would make said Whelan State chairman of the State Republican committee, and give him one-half of all Federal patronage if he, Whelan, would support respondent in the November 1940 election; and that respondent made other and further promises of political favors and patronage to divers other persons, contingent upon his election as United States Senator, and for the purpose of bringing about his election.

Wherefore, the premises considered, petitioners pray:

1. That this committee or a subcommittee thereof sit and hold hearing in the State of North Dakota for the purpose of hearing and taking of testimony and proof in support of the facts hereinbefore alleged; and

2. That respondent, WILLIAM LANGER, be denied the right to fill and occupy the position and office of United States Senator from the State of North Dakota.

EDWARD R. BURKE,
H. C. LOWRY,
A. R. MCGUIRE,
Counsel for Petitioners.

I, H. C. Lowry, of counsel for petitioners, being first duly sworn, on oath say that I have read the foregoing petition by me subscribed as of counsel for the petitioners

named therein, say that the facts therein set forth and contained are true to the best of my knowledge, information, and belief.

H. C. LOWRY.

Subscribed and sworn to before me this 3d day of February, 1941.

[SEAL] MINERVA G. CULTON,
Notary Public, District of Columbia.

Mr. LUCAS. Mr. President, I also request unanimous consent of the Senate following the introduction of the petition to file the answer by Francis Murray and others, who were attorneys for WILLIAM LANGER in this case.

The VICE PRESIDENT. Without objection, it is so ordered.

The answer is as follows:

To the Senate of the United States, Committee on Privileges and Elections:

C. R. VERRY; JOHN L. MIKELTHUN; ASWARLD BRAATEN; J. H. MCCAY; I. N. AMICK; ALLAN MCMANUS; KRISTIAN HALL; T. A. CRAWFORD; AND D. D. RILEY ET AL., WHO MAY CARE TO APPEAR HEREIN AND BECOME PARTIES HERETO, PETITIONERS, *v.* WILLIAM LANGER, RESPONDENT, CLAIMING THE RIGHT TO A SEAT IN THE UNITED STATES SENATE FROM THE STATE OF NORTH DAKOTA

ANSWER TO AMENDED PETITION

Now comes the respondent, WILLIAM LANGER, and denies each and every material matter, fact, and thing in said amended petition contained and the whole thereof.

Further answering said amended petition, this respondent specifically denies paragraphs 1 and 2 thereof.

Wherefore this respondent asks that the amended petition herein be dismissed and that the respondent, WILLIAM LANGER, be permanently seated as United States Senator from the State of North Dakota.

FRANCIS MURPHY,
MORGAN FORD,
J. K. MURRAY,
DENNIS A. LYONS,
Attorneys for William Langer, United States Senator From North Dakota.
THOMAS W. HARDWICK,
Of counsel.

DISTRICT OF COLUMBIA, *ss:*

I, WILLIAM LANGER, being first duly sworn, says that he has read the within foregoing answer to amended petition and knows the contents thereof and that the same is true.

_____.
Notary Public, District of Columbia.

Whereas WILLIAM LANGER was, on the 5th day of November 1940, by the qualified electors of the State of North Dakota, at a legal election held on said day, duly and legally elected a Member of the United States Senate from the State of North Dakota; and

Whereas the said WILLIAM LANGER did at the time of his election, to wit on the 5th day of November 1940, possess all of the qualifications required by the Constitution of the United States to qualify him to be a Senator from the State of North Dakota; and

Whereas upon the presentation of proper credentials by the said WILLIAM LANGER to the Vice President of the United States in the United States Senate on the 3d day of January 1941 the oath prescribed by law was administered to the said WILLIAM LANGER by the Vice President of the United States, and the said WILLIAM LANGER became a Member of the United States Senate from the State of North Dakota; and

Whereas at the time the oath was administered to the said WILLIAM LANGER, the majority leader, Senator ALBEN BARKLEY, notified the Senate of the United States that the Vice President of the United States had received protests in the form of a petition embodying certain charges against the said WILLIAM LANGER; and

Whereas under a unanimous-consent agreement these protests were referred to the Committee on Privileges and Elections; and

Whereas the Committee on Privileges and Elections, acting through a duly appointed subcommittee, moved that the protestants be given until February 5, 1941, to make more specific the charges contained in the petition and related papers filed with the Senate on or before, to wit, the 3d day of January 1941; and

Whereas there was, on the 3d day of February 1941, filed with the Senate a paper writing signed by Edward R. Burke, H. C. Lowry, and O. R. McGuire, counsel for petitioners, entitled "Amended Petition," which paper writing purports to be verified by one of said counsel, H. C. Lowry, reciting that "the facts herein set forth and contained are true to the best of my knowledge, information, and belief":

Now comes the said WILLIAM LANGER, United States Senator from North Dakota, and moves to dismiss the so-called amended petition, filed on the date and at the place aforesaid, for the following reasons:

1. The protestants or petitioners, as the case may be, have failed to fulfill the requirements embodied in the motion adopted by your honorable committee by virtue of having failed to furnish specific charges as will put the said WILLIAM LANGER upon a proper defense and prevent surprise being practiced upon said WILLIAM LANGER.

2. The paper writing, designated as the amended petition, is so uncertain, vague, and wholly insufficient that the sitting Member, WILLIAM LANGER, is unable, without making some orderly division of the matter alluded to in said paper writing, to offer specific objections.

3. For the purpose, however, of offering general objections to matter contained in said paper writing, WILLIAM LANGE has divided the text of the material therein contained into 14 charges, which will be referred to according to the page number of the paper writing known as the amended petition.

4. Commencing with page 1, under the caption "Election frauds," said WILLIAM LANGER is charged with having been "openly, notoriously, and admittedly corrupt in his official and public life in the State of North Dakota."

This allegation is clearly insufficient as being too vague and general and states mere conclusions.

5. On page 1 of the amended petition it is charged that said WILLIAM LANGER, "as the head of the Republican Party," etc., "controlled the election machinery of said State."

This allegation is too general. The particular places and acts complained of should have been specifically set out.

6. At the bottom of page 1 and at the beginning of page 2, the charge is made that the said WILLIAM LANGER "caused the casting and counting in his favor of many thousands of illegal absentee ballots."

The allegation is too general. The particular places and acts complained of should have been specifically set out. It is not pointed specifically in what the illegality consisted.

7. Commencing near the bottom of page 2 and continuing on page 3, the charge is made that the said WILLIAM LANGER advertised that he had the support of Hon. U. L. BURDICK, Member of Congress from the State of North Dakota, and such representation was unauthorized "in any way, manner, or form."

The said WILLIAM LANGER admits that an advertisement was made of Mr. BURDICK'S support; that Mr. BURDICK, prior to the advertisement in question and on occasions subsequent thereto, too numerous to mention, has expressed his full confidence in and support of the said WILLIAM LANGER.

8. The charge in the second paragraph on page 3 that the said WILLIAM LANGER "publicly and privately admitted and boasted that between 31,000 and 38,000 illegal absentee ballots were cast and counted for him," is denied.

The alleged quotation from the alleged remarks of said WILLIAM LANGER is purely hearsay.

9. Commencing at the bottom of page 3 under the caption, "II. Conduct involving moral turpitude," the charge is made for "the past 20 years, respondent's (WILLIAM LANGER) public and private life has been of such character that he has been repeatedly suspected and accused of conduct involving moral turpitude."

It is impossible to conceive of a specification broader or more general in its terms, and if contained in the pleadings in any court would be suppressed as scandalous and impertinent.

10. The charges relating to the criminal cases in which said WILLIAM LANGER was a defendant and in which the United States was plaintiff, are statements of opinion and conclusion in which the decision of the Circuit Court of Appeals for the Eighth Circuit is impugned, the manner of conducting the trials in the United States Federal Court for the District of North Dakota is criticized, the integrity of the presiding Federal judge is impugned, and the integrity of certain members of one of the juries in one of said criminal trials is assailed.

The said WILLIAM LANGER represents to this honorable committee that all these charges and each and every one of them are objectionable and wholly unjustifiable, and are intended simply for the purpose of placing upon the record slurs and insinuations still more scurrilous and abusive than that which is previously recited in the paragraphs of the paper writing designated as the "amended petition."

The said WILLIAM LANGER is informed, and acting upon that information represents to this honorable committee, that the Attorney General of the United States, acting through the Federal Bureau of Investigation, has made an independent and exhaustive investigation of all of the circumstances attending the trials in the United States District Court for the District of North Dakota, in which the United States was plaintiff and the said WILLIAM LANGER was defendant.

It is respectfully urged that this honorable committee call upon the Attorney General of the United States for all reports, papers, files, and related documents which may be on file in the office of the Attorney General of the United States or in the offices of any of his assistants, and that such reports, papers, files, and related documents be made available to this committee and to the said WILLIAM LANGER.

The charge on page 5, second paragraph, is unsupported by affidavits other than by those professing to have derived their information by hearsay.

As to the remaining charges, the said WILLIAM LANGER represents to this committee that said charges are too vague, uncertain, general, and wholly insufficient.

Now, therefore, for the several reasons hereinbefore set forth, the said WILLIAM LANGER respectfully requests that this committee deny the prayer of counsel for certain petitioners, and that said paper writing designated as "amended petition" be held insufficient.

DENNIS A. LYONS,
MORGAN FORD,
J. K. MURRAY,
FRANCIS MURPHY,
Attorneys for Senator William Langer.
THOMAS W. HARDWICK,
Of Counsel.

C. R. VERRY; JOHN L. MIKELTHUN; ASWARLD BRAATEN; J. H. MCCOY; I. N. AMICK; ALLAN MCMANUS; KRISTIAN HALL; T. A. CRAWFORD; AND D. D. RILEY ET AL WHO MAY CARE TO APPEAR HEREIN AND BECOME PARTIES HERETO, PETITIONERS *v.* WILLIAM LANGER, RESPONDENT, CLAIMING THE RIGHT TO A SEAT IN THE UNITED STATES SENATE FROM THE STATE OF NORTH DAKOTA

AMENDED PETITION

Leave of the Senate Committee on Privileges and Elections having been first had and

obtained, the undersigned counsel for the original petitioners herein, as named in the caption hereof, file this their amended petition, as follows:

1. Election frauds

Petitioners allege that respondent WILLIAM LANGER is, and long has been, openly, notoriously, and admittedly corrupt in his official and public life in the State of North Dakota, including his campaigns for election to public office, specifically and most recently in connection with his candidacy for nomination and election to the office of United States Senator, to wit, that as the head of the Republican Party in and for said State, and of the Farmers' Union and Non-Partisan League, and while running for the nomination and later for election to the office of United States Senator, he the said respondent controlled the election machinery of the said State, and by and through said control procured and caused the casting and counting in his favor of, to wit, many thousands of illegal absentee ballots; that during the primary and the general election of 1940, when he was a candidate for nomination and election to the United States Senate, he procured the destruction of many thousands of ballots validly and regularly cast against him, and procured many other thousands of ballots cast against him to be changed to show that they had been cast in his favor, and the same were not counted against him; that there has been no general official contest or recount of the votes cast for and against respondent in the election in which he sought a seat as United States Senator, and your petitioners are, therefore, unable to allege the total number of ballots destroyed, changed, and altered as aforesaid; that in the course of a contest and recount involving two State officials, however, for whom votes were cast on the same ticket on which respondent was running for United States Senate, it was found that many irregular absentee and other ballots had been cast and were thrown out; that said contest and recount disclosed that an average of, to wit, from 8 to 10 votes in the voting precincts of one of the contested counties alone were irregular and voided for the reasons hereinbefore stated; that respondent on the votes counted and returned had but slightly more than 8,000 majority for the United States senatorship; and that, on the ratio of illegal ballots thrown out and voided as aforesaid, there were, it is believed and alleged, enough such void ballots in the entire State (including more than 2,000 precincts) to change the announced result of his election to the United States Senate.

That during the 1940 election campaign respondent inserted and paid for an advertisement in a newspaper known as the North Dakota Union Farmer, which advertisement read as follows:

"Congressman USHER L. BURDICK, the best friend of the Farmers' Union, says: 'I am for LANGER for United States Senator, and ask all my Farmers' Union friends to vote for him.' U. L. BURDICK, Congressman. P. S.: Please vote for me, too."

Although respondent then and there well knew when he inserted said advertisement 4 days prior to said election that he had not been authorized by Congressman U. L. BURDICK to insert such advertisement or to make such representations in any way, manner, or form; and that said false and misleading advertisement operated to, and did, perpetrate a fraud upon and against other candiates for the United States Senate in said election.

That in past elections in North Dakota official returns have demonstrated that the total votes cast for senatorial candidates have exceeded the total vote cast for the Presidential candidates, but in the November 1940 election the returns show that 16,674 more ballots were cast for the Presidential candidates than for the senatorial candidates, and the total of 286,000 votes counted for all candidates were 6,000 more than the total vote counted for President and more than 22,000 in excess of the total votes counted for senatorial candidates, indicating that many thousand ballots were voided by those in charge of the election machinery.

That in previous elections involving respondent's candidacies for public offices, including the office of Governor and United States Senator (in 1938), respondent publicly and privately admitted and boasted that between 31,000 and 38,000 illegal absentee ballots were cast and counted for him, and in public speeches advised and counseled audiences and persons that anyone could vote in North Dakota by saying: "Anyone who wishes can vote in North Dakota; all you have to do is come over to our State, register at a hotel, drop our office a line, and that makes you a resident, whether you are going to live in our State or not; then when the next election comes around we'll send you an absentee ballot and you can cast your vote as a North Dakota citizen."

II. Conduct involving moral turpitude

Petitioners further allege that for, to wit, the past 20 years respondent's public and private life has been of such character that he has been repeatedly suspected and accused of conduct involving moral turpitude and, pursuant to such conduct, he was indicted, tried, and convicted in the United States District Court for North Dakota of the offense of conspiracy, with other persons, to bring about a corrupt and fraudulent enforcement, and to prevent the proper enforcement, of certain Federal statutes; that said conviction was reversed on appeal, however, on the grounds (1) that error was committed at the trial, and (2) that the sentence of the court had not been imposed in due time; that said case was reversed, as stated, and remanded, and was thereafter twice tried, with the jury standing 10 to 2 for conviction on the second trial, and on the third trial a directed verdict of "not guilty" was returned; that between the said first and second trials respondent filed an affidavit of prejudice against the presiding judge, resulting in said judge recusing himself and the assignment of another judge; that out of said affidavit of prejudice an indictment for perjury was returned against respondent, which, on trial, resulted in a directed verdict by the new presiding judge, which, it is alleged, led to the acquittal of respondent in the third trial of said conspiracy charge.

That during the pendency of the Federal criminal charges aforesaid the Supreme Court of the State of North Dakota, basing its decision on the record of conviction aforesaid in the Federal court, sustained a proceeding ousting respondent from the office of Governor for the State of North Dakota, and, pursuant thereto, respondent was actually ousted from said office of Governor.

Petitioners further alleged that while testifying as a witness in his own behalf in the Federal court trial of the charge of conspiracy aforesaid respondent admitted that he received and accepted, to wit, $19,000 which had been exacted and collected from State and Federal employees and State contractors for his own political uses and purposes, and that, to wit, $300 or more of which, as respondent further admitted, was exacted, collected, and received from Federal relief clients, in violation of Federal statutes.

That during the second trial of the Federal conspiracy charge, as aforesaid, respondent personally and through other persons bribed the two jurors who stood out for acquittal in said second Federal conspiracy trial, and likewise personally and through other persons influenced and procured the designated judge of the Federal court to, and he did, so instruct the jury in the third conspiracy trial that it was persuaded to, and did, return a verdict of acquittal of the respondent, as aforesaid; and that respondent on divers occasions paid personally to the son of said designated trial judge, and to the United States marshal in the United States District Court of South Dakota, the home district of said designated judge, certain moneys and funds, both in cash and by check, for the purpose of influencing said designated trial judge.

That during the time respondent served as Governor of the State of North Dakota, he accepted the sum of, to wit, $4,000 for a pardon, which is of record in the State court of North Dakota, in a suit brought by the convict's mother to recover the sum so paid, which suit was settled and dismissed when the convict was forced, by threats of bodily harm, to persuade his mother to withdraw said suit.

That during the time respondent was Governor of the State of North Dakota, he was, as Governor, ex officio, a member of the board of directors of the North Dakota State Bank, an institution owned and operated by said State; that as such director he voted to, and the bank did, contrary to its usual custom, refuse to purchase the bonds of numerous counties of the State, and saw to it that said counties disposed of their bonds at a discount through a brokerage house owned and operated by respondent's friends and associates; that respondent then and there procured said North Dakota State Bank to, and it did, then purchase said bonds from said brokerage house at par or above par; that said conduct of respondent constituted a fraud upon said counties, and operated to respondent's own financial benefit in the sum of, to wit, $75,000.

That in the year 1938, while Governor of North Dakota, respondent conspired with one Gregory Brunk and V. W. Brewer, the owners of a brokerage concern known as V. W. Brewer & Co., to cover up and conceal part of the profits to himself on said bond sales as mentioned and set forth in the next preceding paragraph hereof, and in furtherance of said conspiracy respondent consummated a fictitious sale to said Gregory Brunk, operating under the name of the Realty Holding Co., for $20,000, 2,000 acres of land in Kidder County, N. Dak., which respondent had previously bought for $7,000; and that when said fictitious sale was consummated, said land was subject to 3 years' arrears in taxes, which taxes said Gregory Brunk assumed.

That during the time respondent served as Governor of North Dakota, he did numerous other and further acts evincing moral turpitude and a disregard for law, among them being the giving of a radio address in which he said, among other things, "If the Federal seed and loan collectors come on your place, treat them as you would treat a chicken thief."

Petitioners further allege that if the committee, or a subcommittee thereof, will sit in North Dakota and afford petitioners opportunity to present witnesses and proof, they will prove that respondent has been guilty in recent years of accepting, through coconspirators, many other sums of money from the State treasury and individuals for fictitious legal services and political favors, to wit, among other things, the collection of a fee of $500 and interest for alleged legal services and $976 kick-back commission from a representative of the Heil Manufacturing Co., of Milwaukee, Wis., for road machinery purchased by the State of North Dakota, all while respondent was Governor of the State of North Dakota.

Petitioners further allege that, between the primary and the general election of 1940, respondent, at the State Republican convention, promised one Thomas Whelan, a candidate he had defeated in the said primary, that he, respondent, would make said Whelan State chairman of the State Republican committee, and give him one-half of all Federal patronage, if he, Whelan, would support respondent in the November 1940 election,

and that respondent made other and further promises of political favors and patronage to divers other persons contingent upon his election as United States Senator, and for the purpose of bringing about his election.

Wherefore, the premises considered, petitioners pray:

1. That this committee or a subcommittee thereof sit and hold hearings in the State of North Dakota for the purpose of hearing and taking of testimony and proof in support of the facts hereinbefore alleged; and

2. That Respondent WILLIAM LANGER be denied the right to fill and occupy the position and office of United States Senator from the State of North Dakota

(Signed) EDWARD R. BURKE,
H. C. LOWRY,
O. R. MCGUIRE,
Counsel for Petitioners.

I, H. C. Lowry, of counsel for petitioners, being first duly sworn, on oath say that I have read the foregoing petition by me subscribed as of counsel for the Petitioners named therein, say that the facts herein set forth and contained are true to the best of my knowledge, information, and belief.

H. C. LOWRY.

Subscribed and sworn to before me this 3d day of February 1941.

MINERVA G. CULTON,
Notary Public, District of Columbia.

Mr. LUCAS. Mr. President, it should be remembered by the Senate that in the beginning no specific resolution was agreed to by the Senate of the United States directing and authorizing the committee to do anything. In other words, in my examination of the precedents of the past I found in nearly all the cases of great importance, such as the one which is now before us, that the Senate had prepared a resolution in advance, which was agreed to by the Senate, and referred to the Committee on Privileges and Elections, authorizing and directing the committee to do certain things. It will be remembered that in this case on January 3, 1941, when Senator-elect LANGER was ready to take the oath, he was not requested to stand aside, but the majority leader of the Senate, the Senator from Kentucky [Mr. BARKLEY], at that time rose and said that the Secretary of the Senate had received a number of protests from various citizens of North Dakota, along with evidence and letters, and that he had made an examination, that the charges were serious, and, while he would not request the Senator-elect to stand aside, he would permit him to take the oath without prejudice to the Senator and without prejudice to the United States Senate. Following that, the letters, protests, and affidavits were referred to the Committee on Privileges and Elections, and it was on the basis of those petitions filed by various citizens of North Dakota that the Committee on Privileges and Elections had to act. It took us some time in the committee to organize, so to speak, in order to determine the proper type of procedure under the petitions we had before us.

There is another general observation which I desire to make at this time in connection with this very interesting case, and that involves some statements which have been made in the minority report filed by the senior Senator from South Carolina [Mr. SMITH] and the junior Senator from Utah [Mr. MURDOCK].

In that report these two distinguished Senators make some complaint, in fact it is rather bitter at times, about the manner in which the investigators proceeded in North Dakota, as well as about the manner in which the subcommittee proceeded in the hearing of this case. I turn to page 5 of the minority report where I find they say that some of the testimony which was submitted to the investigators "is in narrative form, some of it by way of questions and answers, some consisted of affidavits, and a considerable part of newspaper articles."

They further state:

In the gathering of this evidence and the taking of these statements no pretense was made of conforming to any rules of evidence.

Mr. President, that is a complaint which is made by these two Senators in the minority report. I do not care to take a great length of time in discussing this question. I merely bring it to the attention of the Senate and state that it goes without saying that in all these matters in connection with which testimony is taken before any committee, a great deal of latitude and liberality exists. We know there is no rule of germaneness in the United States Senate insofar as evidence is concerned, and what is true in the Senate is true with respect to every Senate committee. Frankly, when I became a Member of Congress 7 years ago I was shocked to find that the rules of evidence to which I was accustomed in the courts in my section of the land had no application whatever to committees investigating matters in the House or in the Senate.

I wish to read Senate Resolution 118 under which the subcommittee and the committee investigated this matter. The committee came to the Senate when the senior Senator from Texas was chairman, and obtained by unanimous consent the type of resolution which made it possible for us to make the investigation which we did make, and the very Senators who complain so bitterly about the way in which this matter was handled in North Dakota by the investigators, are parties to this resolution, because it was agreed to unanimously. I read Senate Resolution 118, agreed to May 23, 1941:

Resolved, That the Committee on Privileges and Elections, or any duly authorized subcommittee thereof, for the purposes of the proceeding now pending before said committee to determine whether WILLIAM LANGER is entitled to retain his seat in the Senate as a Senator from North Dakota, may authorize any one or more persons to conduct any part of such proceeding on behalf of the committee, and any person so authorized may hold such hearings, issue such subpenas and provide for the service thereof, require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths, and take such testimony, as the committee, or any such duly authorized subcommittee, may from time to time authorize in connection with such proceeding

Mr. President, the reason for presenting the resolution was simply this: North Dakota is a long way from Washington. Members of the Committee on Privileges and Elections, as Senators all know, in these trying times have been very busy with the innumerable duties which they have as United States Senators in connection with the various committees upon which they serve. The members of the committee conceived the idea, and it was agreed to by every member of the subcommittee, that investigators invested with the power contained in this resolution, should go to North Dakota to ascertain the truth or the falsity of the charges contained in the petition. They did go there; they worked there for 3 months; and they did a marvelous job of investigating, in my opinion. Nevertheless, in the minority report I find that the investigators are condemned and their integrity is challenged because they rigidly followed the resolution which was adopted by the Senate.

I wish to call attention to a letter written by the senior Senator from Texas, who was then chairman of the committee, on May 30, 1941. The letter reads as follows:

To Whom It May Concern:

This will introduce Mr. Elbert L. Smith who has been duly appointed by the Committee on Privileges and Elections of the United States Senate to investigate the protest against the seating of WILLIAM LANGER of North Dakota, as a Senator from the State of North Dakota, pursuant to resolution No. 118 passed by the United States Senate May 23, 1941, a copy of which resolution is hereto attached.

Mr. Smith has been granted the powers expressed in the resolution by this committee. Your cooperation with Mr. Smith will be appreciated by the committee.

COMMITTEE OF PRIVILEGES AND ELECTIONS,
TOM CONNALLY, *Chairman.*

Mr. President, I should not have taken the time of the Senate to introduce these preliminary matters had not the minority report condemned and criticized the investigators for doing their duty.

Notwithstanding the wide latitude of discretion granted to the investigators, the minority report further states on page 4:

They proceeded to examine witnesses in North Dakota and elsewhere as though they were conducting the hearing, all in the absence of Mr. LANGER and any member of this committee without any presiding officer to pass upon the proceedings or to determine the relevancy or pertinency.

Under the circumstances it is difficult for me to understand how two members of the committee who sat throughout the hearings and especially the junior Senator from Utah, who did as much as any other member of the committee in cross-examination to bring out matters detrimental to the Senator-elect from North Dakota—could make a statement of that kind in the minority report.

While these allegations, under the time-honored rules of the Senate, are perhaps relatively unimportant, yet for the benefit of Members of the Senate who perhaps have had no opportunity thoroughly to digest the minority report, I thought it best to call attention to these points. Candidly speaking, it is rather difficult for me to understand how those two Senators, who are familiar with the

rules of the Senate, and who were thoroughly familiar with the proceeding from beginning to end, can at this late hour challenge the procedure in this manner.

I am reminded of the old days when I was trying lawsuits. I found that when a lawyer had a bad case he usually either tried the lawyer on the opposite side or tried some witness. That is, in effect, the situation here, so far as the minority report is concerned.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. LUCAS. Not at this moment.

It seems to me that an attempt is made in the minority report to try the investigators in this case, or some members of the committee or of the subcommittee.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MURDOCK. I think the statement just made by the Senator, that when lawyers have a poor case they try to digress from the facts and discuss something else, is very pertinent. The Senator is now resorting to that type of procedure.

Mr. LUCAS. Mr. President, I will yield for a question, but I will not yield for speeches at this time. The Senator can speak in his own time. If he has some question, I shall be glad to yield.

Mr. MURDOCK. The Senator has challenged the position which I take.

Mr. LUCAS I will yield for a question.

Mr. MURDOCK. I feel that I am entitled at least to the courtesy of an opportunity to make a brief explanation

The VICE PRESIDENT. Does the Senator from Illinois yield for that purpose?

Mr. LUCAS. I decline to yield to any Senator to make a speech on my time. I shall require considerable time to make this presentation. If the Senator from Utah wishes to ask me any questions relevant to this point or any other point, I shall yield; but I decline to yield for speeches in my time.

Mr. MURDOCK. If the Senator will be courteous enough to yield, all I desire to do is to make a brief explanation in reply to the challenge which the Senator from Illinois has directed against me. If he does not wish to yield for that purpose, then, of course, I shall desist at this time.

Mr. LUCAS. The Senator will have plenty of time to explain all these things.

Mr. MURDOCK. I withdraw my request.

Mr. LUCAS. The Senator from Utah will have plenty of time to explain; and I think he will have a difficult time explaining some of the things in the minority report. I do not propose now to be deterred from properly presenting the facts and the law, which I am just about to reach, by a side issue of this kind; but I promise the Senator from Utah and the senior Senator from South Carolina that before I finish this argument I shall return to the minority report, which was written by a lawyer in North Dakota and signed by two Senators. I shall penetrate that smoke screen with facts that I am confident will be convincing to the Senate.

Mr. President, at this time I wish to make one further observation. Throughout the hearings there has been intermittently injected the defense of political persecution upon the part of the so-called political enemies of Mr. LANGER. No doubt many Senators, as individuals, are more or less interested in the political turmoils and squabbles which have been running rife in the sovereign State of North Dakota for the past decade; but I do not believe it is a violent presumption to say that Members of the Senate, collectively, sitting here today in a more or less judicial capacity, are in no way interested in the political fortunes or misfortunes of any individual who may be a candidate for the office of United States Senator, Governor, or any other office in that great State.

We are confronted with an issue joined upon the petition and the answer filed by counsel for the respective parties, and with the evidence which has been taken thereunder. It seems to me that our duty is unmistakably clear.

Mr. President, I have received some letters from the State of North Dakota in which it is charged that the committee was motivated by some prejudice against Senator-elect LANGER. I have received other letters, in which the committee was congratulated for the part it played. We are in no way influenced by either class of letters. As I have said, it seems to me that our duty under the law is plain and unmistakable.

Let me say to the Senate, with all the sincerity I possess, that there is no personal malice or personal interest against this unfortunate man. What possible interest could I have? What possible interest could any member of the committee, who voted to exclude, have in the exclusion of this man? I never knew Senator-elect LANGER until he came to the Senate in 1941. I had never seen him before. I have no personal interest or personal malice in this matter. I have a duty to perform under my oath, taken here on January 3, 1939; and that duty is to protect the integrity of the United States Senate.

Mr. President, the members of the committee are animated by only one motive, and that is to apply to Senator-elect LANGER'S case a simple and unmixed spirit of justice. Likewise, we desire that a simple and unmixed spirit of justice be applied to the integrity of the United States Senate. Let it be indelibly written in the beginning of this argument that the Senator from Illinois does not stand here in the role of a prosecutor. The Senator from Illinois stands here in the role of a defender of the integrity, dignity, and honor of the Senate, considered throughout the world to be the greatest legislative body on the face of the globe.

During the course of this argument I court interruptions. I shall be glad to yield to any Senator for pertinent and material questions. As I have previously stated, I hope that no Senator will make a lengthy speech in my time, because I expect to be on my feet for some time, but I do want to get to the bottom of this case. I want to be fair with Senator LANGER and fair with the Senate, and if any Senator has any question which he desires to ask me as I present the facts and attempt to apply to them the law as I see it, I shall be more than anxious to yield and courteously to attempt in my limited way to answer. If I cannot do so I am sure that some other member of the committee who is familiar with these questions will be able to help me. I make this statement because I desire to throw a little light, perhaps, upon some facts or some points of law with which Senators who are members of various other committees have not had time, because of their innumerable duties and the burdens, completely to familiarize themselves.

For over a year this case has been before us. It originally came to the Senate through the protests of various citizens of North Dakota. Testimony amounting to many pages was taken by investigators sent into the State by your committee. Testimony amounting to many pages was taken in public hearings. On January 29, last, there was submitted to the Senate a report in which your committee recommended that Senator WILLIAM LANGER be denied a seat in the United States Senate. Since that time a minority report has been filed. The vote in the committee was 13 to 3 to deny Senator LANGER a seat in this legislative hall.

At this point I shall place in the RECORD the names of the members of the committee and their votes upon this important question. Those who voted for the resolution that WILLIAM LANGER is not entitled to be a Senator of the United States from the State of North Dakota are as follows: Senators THEODORE FRANCIS GREEN (chairman of the committee), WALTER F. GEORGE, CARL A. HATCH, JAMES M. MEAD, SCOTT W. LUCAS, TOM STEWART, ALBERT B. CHANDLER, JAMES M. TUNNELL, HARLEY M. KILGORE, WARREN R. AUSTIN, STYLES BRIDGES, ALEXANDER WILEY, and HUGH A. BUTLER.

Senators ELLISON D. SMITH and ABE MURDOCK signed a minority report.

Senator TOM CONNALLY, of Texas, signed a separate minority report.

It is fair at this point of the argument to say that the senior Senator from California [Mr. JOHNSON] was excused from participation in the hearings upon his own request. It is also fair to say that the senior Senator from North Dakota [Mr. NYE], the colleague of Senator LANGER, did not participate in any of the proceedings.

Mr. President, I have served during the last 7 years in Congress upon a number of committees. Important questions came before those committees, questions affecting the state of the Union. I desire to report that, speaking from my experience in committee work, I have never seen men more devoted to the public service, in attempting to do what they believed was honorable and fair, sincere and conscientious, than the members of this Committee on Privileges and Elections; and it was because of the human element involved. I do not believe that anyone wanted to do Senator LANGER a wrong.

Mr. President, I can say to you that I went into the hearings sympathetic toward Mr. LANGER, because all of my life I have been for the underdog. I came up the hard way. But, when I began to turn over the leaves of evidence, when I began to read one page after another, and

to see what had occurred, I ultimately changed my mind.

Your committee asks the Senate of the United States to exclude Senator LANGER with a full realization of the great responsibility involved. We do so with a full understanding that the Constitution of the United States makes the Senate the judge of its own membership. As we follow the arguments and the evidence involving moral turpitude, I believe it is understood by all that in this matter we are not acting as representatives of any political party. We do not sit here today as legislators in the true sense of the word. The best evidence that the members of the committee have been honest and sincere in their convictions can be found in the vote in the committee. The Republican members of the committee who participated voted unanimously to exclude Senator LANGER; yet Senator LANGER came here as a Republican; and the three votes that he obtained in the committee came from the Democratic side of the aisle—all of which is proof beyond the shadow of a doubt that we did not sit in the committee as representatives of any political party. In undertaking the momentous task before us today we sit here as judges, not in the strict sense of a court in which we rule on evidence, but in a judicial capacity with the Constitution of the United States and the precedents thereunder as well as the rules of the United States Senate as our only guides.

Mr. President, I speak with reverence when I mention the Constitution of the United States. I know there are many Members of this body who feel that in this emergency the legislative branch of government has delegated practically all of its powers to the executive branch; and upon that point there can be but little debate. It was ever thus in war; it was so done in every great emergency. But after the emergency passed, the powers granted reverted almost unanimously to the legislative branch; and history will again repeat itself when we have overthrown the totalitarian powers of the earth.

It is liberty under the Constitution for which men today are dying in the Pacific. It is to sustain the Constitution that the taxpayers of America will pay until it hurts in the crisis which confronts us. It was Gladstone, the great Englishman, who said that the Constitution of the United States "is the most wonderful work ever struck off at a given time by the brain and purpose of man"; and Macaulay, another Englishman of note, said that the Constitution would live and be the marvel of the ages.

Mr. President, the United States Senate is a product of the Constitution; and that is why I talk about it and lay the preliminary foundation that I do. The Senate has been recognized for over a century and a half as the greatest deliberative body on the face of the globe. The integrity of the United States Senate is a precious attribute to American humanity. The integrity of the Senate is a cornerstone of the Constitution; and when the Senate's integrity falls, if ever it shall fall, the Constitution will go along with it. This integrity belongs to the people of the United States. It belongs to all the people of all the States, and not to the people of any single State, as will, perhaps, be argued in this case. Every Senator who comes here takes the constitutional oath; when he becomes a bona fide Member he is charged with the serious responsibility of protecting the integrity of the United States Senate.

Your committee stated in its report that the charge of moral turpitude against the respondent had been proved beyond all reasonable doubt. I am convinced, too, that after these pages of testimony are in—testimony which was taken and will be undenied and uncontradicted—any responsible and prudent man will say, in order to protect the integrity of the United States Senate, that the charge of moral turpitude against Senator LANGER has been proved beyond all reasonable doubt.

The decision of the committee was based upon the continuous questionable conduct of the respondent over a long period of years while he was an officer of the court, while he was attorney general of North Dakota, while he was Governor of that great State. Before citing to the Senate the various charges upon which the decision of your committee is based, I shall refer briefly to what the lexicographers of courts have said with reference to the definition of moral turpitude. I do so with the hope of clarifying the question before us:

"Turpitude," in its ordinary sense, involves the idea of inherent baseness or vileness, shameful wickedness; depravity. In its legal sense, it includes everything done contrary to justice, honesty, modesty, or good morals. The word "moral," which so often precedes the word "turpitude," does not seem to add anything to the meaning of the term, other than that emphasis which often results from tautological expression.

The foregoing definition is contained in the decision of the court in the case of *Holloway* v. *Holloway*, in 126 Georgia, at page 459.

"Moral turpitude" is an act of baseness, vileness, or depravity in the private or social duties which a man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man.

That definition is contained in the decision in the case of *In re Henry*, 15 Idaho, page 755.

Again, in the case of *In re Williams*, 64 Oklahoma, at page 316, the court defines moral turpitude as follows:

Moral turpitude implies something done contrary to justice, honesty, modesty, or good morals.

It is important, Mr. President, to advise my distinguished colleagues that every act of moral turpitude upon which we base the recommendation of action to exclude Senator-elect LANGER involves the conduct of WILLIAM LANGER as a public official of North Dakota, and nothing else. It is a most important point to remember, because in every case the orderly functioning of good, clean, sound government is challenged as a result of his action.

I now invite Senators to turn to page 49 of the majority report, which has been placed on the desks of Members of the Senate. I turn to that page to discuss what seems to your committee to be the most important case involving moral turpitude on the part of Senator LANGER and to refer to the evidence to support the charge.

One of the many cases that your committee investigated, through investigators, as well as at public hearings wherein Senator LANGER testified, was known as the Emma Oster Slovark case. I think that I can do, perhaps, as well by reading from the report of the committee, and discussing the case as I go along, and, if there is any question involving it, I shall be glad to answer.

Jacob Oster, of Hazelton, N. Dak., was charged with the murder of one John Peterson in the spring of 1930. Emma Oster, his wife, was the only eyewitness to the murder.

Jacob Oster was being held in the county jail without bond waiting for trail.

I might say that this was, from what I could learn of the evidence, a cold-blooded murder. Oster was held in jail without bond for murder.

While languishing there his wife, Emma Oster, through the State's attorney of said county, obtained a decree for divorce, which, under the laws of North Dakota, so your committee is informed, would permit Mrs. Oster to testify as a witness in the murder case

In the minority report some things are said about the right of a State's attorney of the county in question to obtain the divorce in order to make the sole eyewitness to the murder a competent witness in the trial of the case. Whether it was right or wrong, I do not undertake to say, and I care less, for it is immaterial, so far as this case is concerned.

If anyone desires to plead the fact that it was wrong and that Senator LANGER had a right to commit another wrong in order to right the first one, I cannot go along with that theory of government.

Jacob Oster was represented by Senator LANGER, who was then a practicing attorney at Bismarck, N Dak. Upon learning that Mrs. Oster had divorced Jacob Oster, the respondent, as attorney for Jacob, conceived the plan of having Mr. Oster remarry Mrs. Oster in a most unusual, unethical, if not an illegal, manner.

My colleagues, from the standpoint of unethical professional conduct upon the part of a lawyer, this is to me one of the strangest proceedings I have ever known of during my experience as a practicing lawyer for a period of over 25 years.

The sheriff of the county in charge of the prisoner, Jacob Oster, was an intimate friend of LANGER, and the latter had no difficulty in being sworn in as a deputy sheriff of that county—

For what purpose?—

for the sole purpose of removing Jacob Oster from the jail in order that Oster might remarry Mrs. Oster and thereby seal her lips as a witness in the murder when Oster would be tried upon the murder charge.

Think of it. Here is a lawyer defending a man who is charged with first-degree murder and who is in jail without bond. The lawyer conspires with the sheriff of the county to remove the man from jail in order to take him across the line to South Dakota so that he may there remarry the only eyewitness to the murder and thus seal her lips in the trial of Jacob Oster.

When the prisoner was released and taken into custody by LANGER the latter induced

Emma Oster to enter an automobile with him along with Jacob Oster and two other witness, whereupon they all proceeded to the State of South Dakota. The evidence shows that while on this trip to South Dakota Senator LANGER obtained the consent of Mrs. Oster, through intimidation, persuasion, and promises, to remarry Jacob Oster.

The evidence further shows that upon arrival in McIntosh, S. Dak., the license had been obtained and all arrangements made for the remarriage of Emma and Jacob Oster with a justice of the peace of that city.

Who made the arrangements? They were made by Senator LANGER. The counsel for the murderer made arrangements to take him and his former wife across the State line in order that they might remarry, so as to seal her lips in the trial.

Mrs. Oster remarried Jacob with the expressed understanding with Senator LANGER that the latter would procure for her a second divorce from Oster immediately after the trial and without any cost to her.

I care not whether a divorce was obtained or whether it was not obtained; I am not talking about the principle involved in a transaction of that kind by an officer of the court back in 1930.

The marriage license was procured in the State of South Dakota where they were compelled to go for the reason the laws of North Dakota prohibited a remarriage within 1 year after the date of a divorce decree.

The marriage certificate was produced by Senator LANGER at the trial, and thereby Mrs. Oster was prevented from testifying as the sole and only eyewitness to the murder.

Mr. President, I ask the Senate of the United States, assuming that the Senator from Illinois should go back to Havana, Ill., and undertake the defense of a man who was charged with first-degree murder and should follow the same procedure, conspiring with the sheriff of Mason County to remove from jail the man charged with the crime in order to take him across the line into Missouri for the purpose of having him remarry his divorced wife so that her lips might be sealed as a witness in the case, what do you suppose the Senate of the United States would do to the Senator from Illinois? How long do you suppose, Mr. President, the Senator from Illinois would be here before there would be an investigation started as to the right of a United States Senator to continue as a United States Senator?

Mr. ELLENDER. Mr. President——

Mr. LUCAS. I yield to the Senator from Louisiana.

Mr. ELLENDER. Was the so-called Slovark case included in the original charges preferred against the Senator from North Dakota [Mr. LANGER]?

Mr. LUCAS. It was.

Mr. ELLENDER. Has the committee any evidence to show the circumstances under which the first divorce was obtained by Mrs. Emma Oster against her husband? As I understand, when Jacob Oster committed the murder he was then married to Mrs. Slovark, and while he was in jail the divorce was obtained?

Mr. LUCAS. That is correct.

Mr. ELLENDER. Has the Senator any facts which will show the circumstances under which the divorce was obtained?

Mr. LUCAS. The State's attorney of the county involved who was prosecuting Oster for murder was the individual who obtained the divorce. As I stated before, whether it was right or wrong I do not know.

Mr. ELLENDER. What was his object? Was it not so that the wife of Oster could testify against her husband?

Mr. LUCAS. Assuming that to be true, the point I am making is that two wrongs do not make a right.

Mr. ELLENDER. Sometimes one is forced to fight fire with fire.

Mr. LUCAS. If the Senator wishes to take that position, he is perfectly welcome to do so, of course.

Mr. ELLENDER. I am not assuming that position; I am simply suggesting that if it was right for the county attorney to use illegal means to obtain the divorce so as to convict this man, I think the Senate should have more facts on that phase of the matter.

Mr. ROSIER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. ROSIER. I should like to know whether the committee agreed that Mr. LANGER was legally elected by a majority of the voters of North Dakota.

Mr. LUCAS. No; he was not elected by a majority of the voters. It was a three-cornered fight.

Mr. ROSIER. There is no question about the legality of the election?

Mr. LUCAS. No; there is no question about the election. I am not arguing anything about the election at all. All the charges with respect to fraud in the election were thrown out by the subcommittee. There is no question about that at all. His credentials are in good order, they are bona fide, and we are not discussing that question in this case.

Mr. ELLENDER. Will the Senator yield?

Mr. LUCAS. I yield.

Mr. ELLENDER. Is there any evidence at all to show whether or not Emma Oster consented to the first divorce, which was obtained I understand, by the attorney who was prosecuting her husband?

Mr. LUCAS. I am not sure about that.

Mr. ELLENDER. Does not the Senator think that is important?

Mr. LUCAS. From my viewpoint, it is not important at all.

Mr. ELLENDER. I mean important for the Senate. The Senator is presenting the case to the Senate. Senator LUCAS is now acting, as I understand, in the capacity of one presenting facts to the Senate, which is to pass on whether or not Senator LANGER should be ousted.

Mr. LUCAS. That is correct.

Mr. ELLENDER. And not to convince Senator LUCAS of Illinois.

Mr. LUCAS. Of course, I would not be talking if I were seeking to convince Mr. LUCAS of Illinois, because I am already convinced. I am merely attempting to pass on these facts as I understand them. Of course, the Senator must remember that there were some 4,600 pages of testimony involved in the hearings of the investigation, and some 800 pages in the published hearings, and I do not have all the details in mind, but I will say to the Senator that I will get to that point, if he is interested in it, a little later, and I will discuss it tomorrow. I know that the State's attorney of this county procured the divorce for Mrs. Oster from Jacob Oster while the latter was languishing in jail for the murder of this man.

Mr. ELLENDER. Does the record show who suggested the divorce?

Mr. LUCAS. I do not know whether it shows that or not. I cannot tell the Senator. I do not know that detail; but I shall be glad to get the information if I can find it.

Mr. AUSTIN. Mr. President, will the Senator yield? I think I can help him out a little.

Mr. LUCAS. I am glad to yield.

Mr. AUSTIN. I think what appears on page 415 of the record answers the question of the distinguished Senator from Louisiana. This is the testimony of Senator LANGER himself, and if the Senator from Illinois will refer to that page, I think he will find in the first two paragraphs Senator LANGER's own version.

Mr. LUCAS. Does that satisfy the Senator from Louisiana?

Mr. ELLENDER. I have not yet read it. I have not had an opportunity to read the reference suggested by the Senator from Vermont. Did the committee think it of sufficient importance to find out about the facts and circumstances of the first divorce?

Mr. LUCAS. I cannot tell the Senator what the committee thought as a whole. The testimony speaks for itself in connection with this matter. The Senator from Vermont has now referred the Senator from Louisiana to the testimony of the respondent himself and I suggest that he read it, and perhaps that will clear up the point for him. Senator LANGER was given every bit of latitude possible for the explanation of all these charges, and perhaps this reference will explain the matter. If it does not, I shall be glad to return to the subject a little later, after the Senator reads from page 415 of the record.

Mr. AIKEN. Mr. President, I should like to ask the Senator from Illinois what action was taken by the State Bar Association of North Dakota in regard to this alleged unethical act on the part of Senator LANGER.

Mr. LUCAS. I cannot tell the Senator about that.

Mr. AIKEN. The committee does not know?

Mr. LUCAS. Whether action was taken on that point, I do not know. Some action was taken on this or some other matter by the State bar association, but they did not disbar the Senator. He was never disbarred, although, as I recall, at one time the question of his disbarment was under consideration.

Mr. AIKEN. The Senator says "on this or some other matter." My question pertained to this particular matter, and I wondered, if this act were so unethical, and one which probably came before the State bar association, what action the association took, if any, and if they did not consider it worthy of taking action. I think the Senate should know that fact.

Mr. LUCAS. I do not know whether the State bar association knew anything

about this particular case or not. This was done in rather a peculiar, clandestine sort of way, and, frankly speaking, the committee themselves did not get all the story until Senator LANGER went on the witness stand and told us some things about this case which investigators had not previously been able to ascertain.

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. BAILEY. The Senator was arguing how long the Senator from Illinois would be allowed to sit here as a Senator if the Senator from Illinois, being a Senator, should do or should have done what the Senator from North Dakota is alleged to have done. Let us assume that under those circumstances the Senator from Illinois would be expelled. He would be expelled by a two-thirds vote. The proposition here, however, is to disbar a Senator by a majority vote, and for that reason I do not wish to make it too strong that I think the Senator's argument is wanting in force. He is not asking us to expel a Senator, he is bringing forward these facts, or these allegations, with a view to disbarment, and he is arguing as if it were for the purpose of expelling a Senator. I think there should be some reconciliation.

Mr LUCAS. I am very sorry the Senator from North Carolina misunderstood what I was attempting to do. I was merely attempting to make a comparison; I was not making an argument as to exclusion or expulsion. I shall get to that later. I am making no legal argument at all.

Mr BAILEY. The Senator was making a comparison, and for a comparison there must be an analogy, and I am pointing out that there is no analogy.

Mr. LUCAS. I am talking about the facts, and not the legal question. I am merely saying that we would have to confine the discussion to the point of my being a United States Senator.

Mr. BAILEY. Let me interrupt the Senator long enough to say that he cannot possible argue that because the Sennate by two-thirds vote might expel a Senator for acts done while he was a Senator, that because we have the power to do that, we should disbar a Senator by a majority vote for the same act. Expulsion is one thing: disbarment is another. Disbarment is for past acts; it is bound to be, because the Senator is not a Senator. But expulsion is for acts committed by a Senator.

Mr. LUCAS. That is correct.

Mr BAILEY. The Senate is limited to expulsion by a two-thirds vote.

Mr. LUCAS. I have no disagreement with my friend from North Carolina.

Mr. BAILEY. My point is that the argument, lacking the element of analogy, must fall to the ground.

Mr. LUCAS. Of course I cannot agree with my distinguished friend in that, because we are talking about two different things. As I follow him, he is discussing the legal question of expulsion or exclusion. I am merely laying a comparison between acts involving moral turpitude. In other words, if I did the same thing today, or if I did it a month before I came to the Senate, it would still involve moral turpitude. That is the only point I am attempting to make.

Mr BAILEY. But the Senator cannot possibly make an argument outside of the legal implications, so I insist that the argument, relating to the law, as it does, and lacking the analogy, cannot be effective. We can expel a Senator for certain acts involving moral turpitude, but that is by a two-thirds vote.

Mr. LUCAS. That is correct.

Mr. BAILEY. If the Senator were taking that position now, if he were asking a two-thirds vote for expulsion, the position would be very good; but taking the view that we are to disbar by a majority vote, I think he himself is bound to realize that the argument is ineffectual.

Mr. LUCAS. I cannot agree with the Senator at all in that statement. I take this one position, and then I shall proceed with the statement of the facts, because I am coming back to the constitutional questions later—if the Senator from Illinois commits an act involving moral turpitude 6 months before he takes the oath as a United States Senator, under my theory he would go out by exclusion. If the same act of moral turpitude is committed while he is a Member of the United States Senate, under the constitutional provision he would go out by expulsion.

The only thing I was attempting to do was to say to the Senate that if I did the same thing that this record points out was done, I would certainly be charged with moral turpitude, and if I did it while I was United States Senator a vote of two-thirds would be required to oust me; while if it were done before I came to the United States Senate, it would be a matter of exclusion, and only a majority vote would be required.

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER (Mr. DOXEY in the chair). Does the Senator from Illinois yield further to the Senator from Louisiana?

Mr. LUCAS. I yield.

Mr. ELLENDER. I have read the reference given to me by the distinguished Senator from Vermont [Mr. AUSTIN], and it does not answer the question I propounded. As I understand, it is admitted that while Mr. Oster was in jail waiting to be tried for murder, the official who was to prosecute him obtained a divorce for his wife, that is, he acted as attorney for her and obtained a divorce for her from her jailed husband. I do not think there is any doubt, judging superficially, that the purpose of the prosecuting county attorney, in obtaining the divorce, was to free the wife of Oster so that she could testify against her husband. I am wondering if the committee thought well enough of this unique procedure on the part of the prosecuting attorney to look into it and find out the facts and circumstances surrounding the affair.

Mr. LUCAS. The Senator from Louisiana, by referring to the testimony of Senator LANGER at page 415, will find a statement respecting the situation.

Mr. ELLENDER. I understand that Senator LANGER admitted having tried to obtain a remarriage of his client and his former wife, and I suppose his purpose was to restore the marital status between his client and his wife so that she would be precluded from testifying against his client. I should like to have a full discussion of that matter by the distinguished Senator so the Senate may have the benefit of his statement.

Mr. LUCAS. Mr. President, as I have said before in answer to my distinguished friend the Senator from Louisiana, I do not know what the State's attorney's motive was in obtaining this divorce. It may have been good or it may have been bad. I do not know about it. But looking at the matter from the worst angle, I maintain that because the State's attorney of that county saw fit to do something that was wrong in convincing Mrs. Oster——

Mr. ELLENDER. To circumvent the law; to do an unconscionable act.

Mr. LUCAS. Simply because someone else did something to circumvent the law does not give me the right to circumvent the law. I mean I cannot follow that line of reasoning. The Senator may think that that is the way it should have been done. I have a different idea about the practice of law. I am willing to meet the opposition in accordance with the rules of the profession. Sometimes, as the Senator said awhile ago, one may have to meet fire with fire, but I have never gone so far as to conspire with the sheriff of a county to take a murderer, who was being held without bond, out of jail, and take him across the line into another State for the purpose of getting that man remarried, in order to meet fire with fire [illegible] other words, I simply cannot follow that line of reasoning. I do not care what prompted the action in the beginning; as a lawyer I cannot follow that type of ethics. Perhaps the Senator from Louisiana can condone it. I cannot.

Mr. ELLENDER. Does the record show how long Oster was in jail?

Mr. LUCAS. All I know is that he was in jail without bond. He was charged with first-degree murder and held in jail without bond. That is a pretty serious situation.

Mr. ELLENDER. I understand. Was the accused afterward tried?

Mr. LUCAS. He was tried.

Mr. ELLENDER. Was he convicted?

Mr. LUCAS. He was convicted.

Mr. ELLENDER. Through the testimony of his wife?

Mr LUCAS. No; she could not testify. She had remarried, through Mr. LANGER'S efforts. She should not testify. But the man was convicted just the same.

Mr. ELLENDER. The county attorney then evidently had other evidence than the evidence which the wife could furnish?

Mr. LUCAS. The county attorney, I presume, had plenty of evidence. Notwithstanding the fact that Senator LANGER obtained the remarriage of this lady to the murderer, the authorities proceeded and convicted him. Of course, there might have been a matter of degree involved; the man may have received a lighter sentence in view of Senator LANGER'S actions than he otherwise would have.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MURDOCK. I assume that lawyers are motivated in the handling of cases, to some extent at least, by the circumstances surrounding the cases. I am wondering if the Senator from Illinois ever defended a man accused of first degree murder.

Mr. LUCAS. I do not know what that has to do with this case, but I will say to the Senator from Utah that I have.

Mr. MURDOCK. The Senator has. Having been in that position, probably the Senator understands the frame of mind of a lawyer defending a man whose life is at stake. I thank the Senator from Illinois.

Mr. LUCAS. I have defended a few persons charged with crime in my time, but I again wish to say that I have tried to stay within the ethical limits, as I always have understood lawyers should, in the defense of one charged with a crime.

Mr. MURDOCK. I am sure the Senator would.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. ELLENDER. As I understand, the evidence shows that Mr. LANGER was not holding any public office at the time he was representing Mrs. Oster. He was simply a practicing attorney at the time?

Mr. LUCAS. Yes; and under the law he is an officer of the court.

Mr. ELLENDER. I understand that; but he was not a public official?

Mr. LUCAS. No; but he was an officer of the court. As a lawyer he was an officer of the court.

Mr. ELLENDER. The Senator awhile ago said that all of these acts were done by Mr. LANGER when he was a public official.

Mr. LUCAS. That is correct; yes.

Mr. ELLENDER. The Senator stated that one who is a practicing attorney is an officer of the court. That does not place an attorney in the category of a public official.

Mr. LUCAS. Yes. Every lawyer, under the rules laid down by the supreme court of each State, is an officer of the court.

Mr. ELLENDER. As I understand this case shows that the murder occurred in 1930.

Mr. LUCAS. The Senator is correct.

Mr. President, I now want to turn to 47 South Dakota Supreme Court Reports, and read from the case entitled "In re Application for Disbarment of L. E. Waggoner, Attorney at Law." I read just a little from page 402. Judge Polley delivered the opinion of the court.

On the 8th day of January 1924, certain charges were filed in this court accusing L. E. Waggoner, a duly licensed and practicing attorney of this State, of improper and unprofessional conduct as an attorney at law. Thereupon an order was made and entered, referring the charges to the attorney general, and directing him to investigate the same and report thereon to the court. Such investigation was made and report thereof filed. In such report the attorney general finds that the facts disclosed by such investigation are sufficient to warrant disbarment proceedings against the accused, and recommends that a formal complaint in disbarment proceedings be filed against said accused. An order to that effect was made, and complaint was filed on the 14th day of April 1924.

These are the facts:

The Schmall charge grows out of the following facts: In December 1923, one Carl Schmall was arrested in Minnehaha County, charged with a violation of the prohibition law. His bail was fixed at $2,500, in default of which he was remanded to the sheriff and confined in the county jail. His home was at Lake Benton, Minn., and he wished to go to said place to try to secure bail. He employed the accused to represent him as counsel. Accused went to Vincent Knewel, the sheriff of Minnehaha County, and requested and urged the said sheriff to take, or to permit to be taken, the said Schmall to Lake Benton to secure a bail bond.

Mr. HUGHES. Mr. President, I did not hear the first part of what the Senator is reading. Who was the accused?

Mr. LUCAS. The accused was a man named Waggoner, a lawyer of South Dakota. I continue to read:

The sheriff was reluctant to permit Schmall to be taken out of the jurisdiction of the State, but the accused insisted; said he would pay the sheriff $25, drive his own car, and guarantee the return of the prisoner. Upon these promises, the sheriff permitted said Schmall to go, in charge of a deputy sheriff, with the accused to Lake Benton.

They went to the prisoner's home, and while there, the prisoner, on the pretext of changing his clothes, was permitted to go into another room. From this room he made his escape through an outer door, and has not since been heard from. The accused paid the sheriff the sum of $25 as promised.

This is what the court held in that case:

We have no hesitancy in holding that accused's part—

Meaning Waggoner's part—

in this action constitutes improper and unprofessional conduct. He, as a lawyer, knew that the sheriff had no right to permit Schmall to leave the State, or to leave the jail, except as directed by the court that issued the commitment, until such bail was furnished. He also knew that the sheriff would have no right of control by virtue of said commitment, over the said Schmall, after they entered the State of Minnesota, and that he could not return Schmall to this State unless he came willingly.

Mr. President, that is the point about this case which makes it so serious. Here is a man charged with first-degree murder taken across the line into South Dakota, and once he got across the line into South Dakota, out of the jurisdiction of North Dakota, Senator LANGER had no power over that man under the decision of this case.

He had no legal custody over him, had Jacob Oster wanted to make his escape at that time.

Continuing to read from the South Dakota case:

In persuading the sheriff to permit Schmall to be taken out of the jurisdiction of this State, he induced him to neglect his duty as sheriff, to violate the laws of this State and to violate his oath of office. A more glaring case of debauchery of a public officer could hardly be imagined, and the sheriff, in permitting himself to be thus used, was guilty of a misdemeanor under the provisions of sections 3767, 3806, 3815, Revised Code 1919, and guilty of a misdemeanor under the provisions of section 7011.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. ELLENDER. Did the case to which the Senator refers involve a charge preferred against the sheriff?

Mr. LUCAS. No. It was a case involving disbarment proceedings against a lawyer by the name of Waggoner. The case is found in 47 South Dakota Reports, and I was reading from page 404.

Mr. ELLENDER. I thought the case involved the sheriff.

Mr. LUCAS. The opinion also condemned the sheriff. For the benefit of the Senator, let me read it again.

Mr. ELLENDER. I heard the Senator read that part and not that against anyone else involved. That is why I thought it affected only the sheriff.

Mr. LUCAS. Let me read it again:

In persuading the sheriff to permit Schmall to be taken out of the jurisdiction of this State, he—

Meaning Waggoner—

induced him to neglect his duty as sheriff, to violate the laws of this State and to violate his oath of office. A more glaring case of debauchery of a public officer——

Still talking about Waggoner—

could hard be imagined—

Mr. ELLENDER. That is, the sheriff?

Mr. LUCAS. No.

and the sheriff, in permitting himself to be thus used, was guilty of a misdemeanor.

In other words, the opinion is discussing both of them. The sheriff was guilty of a misdemeanor, and Waggoner was up for disbarment.

Mr. ELLENDER. Does the evidence show whether any attempt was made by the bar association of the State to disbar Senator LANGER?

Mr. LUCAS. I do not think so; and I do not care anything about that. I do not care whether he was disbarred or not, or whether any disbarment proceedings were brought. The facts speak for themselves. Whether or not any attempt was made to disbar him in North Dakota is no concern of mine as a Member of the United States Senate attempting to protect the integrity thereof. So far as the Senator from Illinois is concerned, facts in North Dakota are the same as facts in South Dakota, Louisiana, or Illinois. I could, perhaps, say some things which might show what I think as to the reason no disbarment proceedings were brought. Such statements by me would not be evidence. However, I do know that there was one case in which disbarment proceedings were attempted against Senator LANGER, but the action was not upheld by the supreme court. He was pretty successful in all his cases in North Dakota.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. AIKEN. Were the facts in the case to which the Senator refers known to the people of North Dakota when they voted on Mr. LANGER as a candidate for Governor, and later as a candidate for the office of United States Senator?

Mr. LUCAS. Whether or not the facts were known, I do not know. I shall argue

that question when the time comes. So far as I am concerned, it does not make any difference whether the people of North Dakota knew the facts or whether they did not know the facts. I shall argue that question a little later. Suffice it to say, in further answer to the inquiry of the Senator, that when Senator LANGER himself was on the witness stand he brought out some facts in connection with this case which the investigators failed to find when they were in North Dakota. So, whether the people of North Dakota knew what the investigators did not find is something that I cannot answer.

Mr. President, under the facts set forth in the Oster case I respectfully submit that the actions of Senator-elect LANGER were contrary to justice, honesty, modesty, and good morals, according to the definition laid down by the courts as to what constitutes moral turpitude.

I now proceed to the next case, which is set forth on page 51 of the report.

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. BAILEY. Before the Senator proceeds with the next case I should like to ask him a question. Is the Senator calling upon the Senate for an adverse vote in the case of the Senator whose seat is questioned upon the basis of the Oster case alone? Would the Senator ask us to unseat the Senator from North Dakota on the gravamen of the Oster case alone, if there were nothing else?

Mr. LUCAS. No; I will say frankly to the Senator that this case happened in 1930. If this were the only case against Senator LANGER, and if the record showed that from that time until now he had been a man of exemplary character, and that no other charges of moral turpitude had been brought against him from 1930 until now, the Senator from Illinois would not hesitate one moment to vote to seat him. I will say frankly to the Senator that in my judgment this question would not be before us on the basis of the one case to which I have referred; but beginning with that one case, and following through over a period of years, as we shall show the Senate, there was one case after another involving moral turpitude. On the basis of such a record I could reach no other conclusion.

Mr. BAILEY. The Senator will agree, then, that on the basis of this one case there would be no contest here?

Mr. LUCAS. With the qualifications I have stated, if this one case stood alone I should not hesitate to forgive a man for one dereliction.

Mr. BAILEY. So the case referred to is offered mainly by way of general corroboration?

Mr. LUCAS. That is correct.

Mr. BAILEY. It is not offered on the merits of the case itself?

Mr. LUCAS. I should not say that that is wholly true. I should not say that the case is not offered on the merits of the case itself. I think the merits of the case are very important in connection with the showing of moral turpitude. The only point I am making is that if that case stood alone, if it were the only one before the Committee on Privileges and Elections, and if the Senator had shown an exemplary character from that time until now and had not been in further difficulties, the Senator from Illinois, even though he knew all the charges to be true, would not vote to exclude him.

Mr. BAILEY. Let me suggest to the Senator that he define the term "moral turpitude."

Mr. LUCAS. I have already read the definition into the RECORD.

Mr. BAILEY. I was not present when the Senator did so.

I could interpret the Oster case without imputing moral turpitude. I could interpret it as an act of overzealousness. I could interpret it as an act of retaliation. I could interpret it as an act undertaking to restore to the defendant who had employed him to defend his life the status which existed at the time of the crime; and while I should say that it was bad practice, bad ethics, and that I should not like to have anyone think I would do it, in any one of those three interpretations, I could avoid the conclusion of moral turpitude.

If I am to vote to exclude a Senator, I must be convinced beyond every possibility of doubt that the Senator's acts were such as to make it necessary for the Senate to override the power and the right of a sovereign State in order that the Senate may preserve its standing in the minds of the American people. I think the burden is upon those who undertake to persuade us to do so. If I should become convinced that the dignity and character of this body are at stake in the admission to the Senate of any man who comes here with his credentials, and that the admission of such a man would actually put the Senate itself in jeopardy and be a menace to the standing of this body, I should very seriously consider taking the position which has been taken by two Senators whom we all honor—Senator WALSH and Senator Borah—that the Senate has the right and the duty of self-protection.

However, in taking that view, I should certainly take the chance of leaning too far the other way and demanding that my mind be utterly satisfied that the conduct of the Senator in question had been such as unquestionably to tend to destroy the Senate itself if he should be admitted to it. I think the Senator has practically agreed that no such impression is made by this one little case. At the outset of this discussion I am saying where I think the burden rests. I do not intend to make my distinguished friend's argument for him. He can make a much better argument than I can. Why not let us get down to those matters which constitute moral turpitude so clear and glaring that Senators who hesitate will be convinced of their duty to vote to sustain the committee report?

Mr. LUCAS. I am very thankful to the Senator from North Carolina for his contribution to the argument, and I will say to him very candidly and frankly that I have no quarrel with him in the position he takes. When I started out in the hearings I took the same position as that which the Senator from North Carolina is now taking; but after hearing one case after another, the evidence was piled so high on the question of moral turpitude involving the Senator from North Dakota I had no other choice. The evidence continued even up to as late a date as 1940, in the so-called Kolstadt case, involving subornation of perjury. All these charges convinced me that the dignity and integrity of the United States Senate would be jeopardized and impaired if the Senator were allowed to retain his seat. I say that with all due deference to everyone, having nothing in mind save defending the integrity of this great legislative body. The Oster case would not be here if there were not other cases following on its heels, cases which are more serious. My only thought was not to take one or two cases; but I have felt that the Senate is entitled to know all the charges upon which the committee based its conclusions. That is the reason why I start with the Oster case.

Mr. BAILEY. I will say to the Senator that in the prosecution of crime it is customary to take up a great many little matters. A jury of 12 men has to decide the case, and one little thing here may impress one member of the jury, and another thing there. But we are not jurors, we are judges. I am not impressed by the allegation made here that the respondent stole a drug store. I do not think it was worthy of the committee to make such a remark. He did not steal the drug store.

Mr. LUCAS. If the Senator will pardon me, we are merely quoting what the Senator himself said.

Mr. BAILEY. Yes; but even if he said it, he did not mean he committed larceny.

Mr. LUCAS. That is what he was charged with.

Mr. BAILEY. It would be very difficult for a man to steal a drug store. [Laughter.] It might be said that some Senator stole the Senate because he occupied the floor all day, or for several days.

I should like to have this matter cleared up in my own mind. I have not read the record. However, these small things tend to dissipate the matter. If a charge is to be made, I should like to see the charge made that the man's deeds are such that they square with the statement of the Senator from Illinois that they are so damning that his admission to the Senate, notwithstanding the fact that he was elected by the people of his State, not only would bring the Senate into disrepute, but would tend to put it in jeopardy as a legislative body. We cannot for light reasons override the rights of the States. I am looking at a Senator who would not do so under any circumstances. I understand his point of view. We cannot indulge in the business of trying our fellow Senators when we come here. Any Senator could have been confronted with a thousand accusations when he first came here. Every Senator who runs for reelection is exposed to all manner of lies. We have a free country, a free press, and free politics. I know of a case in North Carolina in which it was held that when a

man is running for office he can be accused of murder, and it will not be libel, it will not be slander. Usually we are accused; but we come through the fire.

But I do not want to have us set an example now which will mean that when the next group of Senators comes next January to take their oaths—and I will be one of them, I hope—those who do not like my election can fill the record with statements of suspicious circumstances, and even charge me with stealing a drug store. I have no use for one; but I could be accused of stealing one. I have not practiced law for a long time; but I might find myself in such a situation as that—I might be called upon to defend a man for his life; and if any Member of the Senate ever has had that job on his hands, he realizes that in such a case he is not allowed to exercise a very quick conscience.

I believe I will tell the story of Lord Erskine, if the Senator from Illinois will permit me to do so, and then I will take my seat. The story is in the Sharswood Ethics. Lord Erskine was defending Clitheroe. Clitheroe was a valet who was accused of the murder of his master. Clitheroe had told Lord Erskine that he was innocent; but in the course of the trial the evidence got very hot, and when the lunch hour came, Clitheroe admitted to Lord Erskine that he was guilty. The question then arose as to Lord Erskine's duty—whether he should walk into the court and hand over his client to the hangman, or whether he should abandon him, or whether he should defend him. Lord Erskine defended him, and successfully; he was acquitted.

Thereafter Lord Erskine was attacked, because Clitheroe was a thorough-going rascal and bragged about his escape. Lord Erskine never opened his mouth. He lost a good deal of standing in England because of what Clitheroe was telling; but he made no apology and no explanation. When he died, however, he left a memorandum stating that, having taken Clitheroe's fee and having engaged in defending the man for his life, he considered it his duty to maintain the plea of innocence, notwithstanding the confession to himself of the defendant. That was moral turpitude, perhaps; but I do not believe that people in this country accused of murder would employ for their lawyers men who would do less.

Mr. LUCAS. Mr. President, of course, I have cited only one charge of moral turpitude. The Senator from North Carolina wants me to get to the meat of the situation. I think that if we had 10 charges of acts involving moral turpitude similar to the one I have just explained to the Senate, and they happened over a period of 10 years, 1 year after the other, perhaps the Senator from North Carolina would want me to explain all of them.

Now I shall proceed with the argument as the committee submitted it in its report with respect to the various charges of acts involving moral turpitude. I cannot do less. I cannot go to the bond deal and the Mexican land transactions, which probably are the two heaviest charges of moral turpitude, without bringing the Senate up to date with respect to the minor charges of moral turpitude. Probably any one of them standing alone would not be sufficient for the Senate even to take notice of; but as a group of charges of moral turpitude, one after another over a decade or more, it seems to me that they should be mentioned so as properly to present the matter in an orderly way, regardless of the fact that we are not jurors. No; we are not jurors in the true sense of the word, perhaps; and I know that most Senators think they are better qualified to pass upon questions than is a juror in a court; but in the past I have seen some questions decided in this great deliberative body that I would have just as soon have tried before a farmers' jury at home; because I saw personalities enter into the decision; I saw the law and the evidence disregarded; I saw Senators cast votes on the basis of prejudice or personal feelings, although the real issue of the case had absolutely nothing to do with such matters. When Senators say to me that we are not jurors and that we are a little better qualified and better fitted to pass upon questions than is an ordinary jury, I sometimes wonder whether we are or not.

Mr. BONE. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Washington.

Mr. BONE. Perhaps the Senator has discussed this particular aspect of fact in the Oster case; but if so, I was not here at the time, and I should like to inquire about it so as to get the matter clear in my mind. Is it true that Mrs. Oster was charged with, and had actually committed, adultery or relations with the man Peterson?

Mr. LUCAS. I do not think there is any doubt about that; I think that is the evidence.

Mr. BONE. Then, so that I may get the picture clear in my own mind—and I know that other Senators are interested in the matter—I understand that Senator LANGER was defending Oster on a charge of first-degree murder, and the woman was the one eyewitness, as I gather from hurriedly reading the text, so that Senator LANGER's client stood in the position of possibly being hanged on the testimony of his wife, who had committed adultery; is that correct?

Mr. LUCAS. I think that is practically true. I am not exactly sure.

Mr. BONE. I am trying to understand the state of mind of a lawyer who is defending a client who is likely to be hanged on the testimony of a person who has grievously wronged him, if that was the case. In other words, a woman was living in open and notorious adultery with a man violating her vows of chastity and violating and outraging her family life, and her testimony would result in the conviction of the man. I do not know whether that is in the picture or not. Those who heard the testimony—I did not hear it—can verify or repel that inference; but, as I read the testimony, it would seem that Senator LANGER's client was about to be hanged on the testimony of a woman who had committed adultery and violated her marriage vows.

Mr. HUGHES. Mr. President, will the Senator from Illinois yield to me to answer the Senator?

Mr. LUCAS. I yield.

Mr. BONE. I am merely seeking information.

Mr. HUGHES. Oster was charged with murder and was in jail. His wife, who was the only eyewitness, could not testify against him, because she was his wife. The State's attorney, in order to avoid that circumstance, secured a divorce for Mrs. Oster from her husband so that she would not be his wife and she could be used as a witness to testify against the husband. Following that it is claimed that Senator LANGER, representing the husband, secured the remarriage of Mrs. Oster to her husband, so that she would be placed back in the same position she occupied at first when she could not testify.

Mr. BONE. Are we to assume that these lawyers, one defending the man and the other prosecuting him, were jockeying back and forth in order to validate the testimony of a witness? Is that the situation? Was that merely a manipulation of the functions of the court in order to qualify the witness or disqualify her? Is that the situation? I am trying to make up my mind. I have got to make a decision in my own mind, and I want to know what the facts are. I want to know if the prosecuting attorney got a divorce for this woman in order to qualify her as a witness, and then Senator LANGER, seeing how he was being jockeyed into such a position that the man he was defending might have his neck stretched, said, "I will not stand for this kind of hokum; I am going to have that woman remarried to this man, so that she cannot testify." Is that the situation?

Mr. LUCAS. Yes; that is correct. Does the Senator know how it was done?

Mr. BONE. I am going to enlighten myself by reading the testimony; I merely heard a portion of this discussion.

Mr. LUCAS. I am asking the Senator, assuming that what he says is true, whether he knows how Senator LANGER got this woman remarried?

Mr. BONE. I was not here when the Senator was discussing that aspect of the case. I expect to remain here and get as much information as I can.

Mr. ELLENDER. Mr. President——

Mr. LUCAS. I yield.

Mr. ELLENDER. Mr. President, I think the evidence will show that Senator LANGER was simply trying to put the case in the same situation it had previously been. That is, he desired to restore the marital status so that the wife could not testify against the husband.

The Senator from Illinois said awhile ago that the prisoner was taken to another State. It strikes me that if Senator LANGER desired to do wrong, really defeat the law, he could have let his client go and he might have never been tried. His sole purpose, apparently, was to undo what the prosecuting attorney had illegally done.

Mr. LUCAS. Does the Senator from Louisiana take the position that anything that Senator LANGER had done, even in a case where murder had been

committed, would have been right on the ground of retaliation for what someone else had done?

Mr. ELLENDER. I think, under the circumstances, a lawyer might be justified in doing what was done. No ill effects followed. The life of his client was at stake, and no one apparently suffered, except the prosecuting attorney, who no doubt used unthinkable means to obtain evidence to prosecute.

Mr. LUCAS. The Senator from Louisiana can take that position if he wants to do so, and I can understand it, but the Senator from Illinois cannot condone any lawyer conspiring with the sheriff of a county to take a prisoner charged with murder, and being held without bond, out of the custody of the sheriff, and removing the prisoner across a State line into the State of South Dakota for the purpose of having him remarried. I do not care what the circumstances were leading up to that act, I simply cannot condone it. The Senator from Louisiana can condone it if he wants to, but the Senator from Illinois cannot. That is my position.

I do not care anything about what the State's attorney did; I do not care anything about what the circumstances were up to that point. I contend that what was done in connection with this important matter was a gross violation of ethics. Under the decision I have read, had the murderer said to Senator LANGER when he got into South Dakota, "You have no jurisdiction over me, Mr. LANGER; I can now go scot free," Mr. LANGER would have been absolutely powerless, even under the authority he had as deputy sheriff—having had himself sworn in through his friend, the sheriff—to have prevented that man from absconding. I do not know anything about the circumstances leading up to this incident, but I do know that the man was charged with murder and was being held in jail without bond; so the offense must have been fairly serious. Whether adultery was involved or whether something else was involved, I do not know; I do not care anything about the facts leading up to it. I am talking about that one serious point involving moral turpitude.

Mr. ELLENDER. The fact remains that everything that was accomplished by Senator LANGER was done simply to restore the marital status. In other words, place his client in status quo.

Mr. LUCAS. What was done was done illegally.

Mr. ELLENDER. It may have been illegally done, but that was his purpose; that is all it was done for.

Mr. LUCAS. Of course, that is all that it was done for, but how can the Senator from Louisiana stand on the floor of the Senate and condone illegality when he admits the fact? That is what I cannot understand.

Mr. ELLENDER. It seems to resolve itself to a question of who commits the illegality and the circumstances that surround it. If the divorce had been legitimately obtained the probability is that Senator LANGER would not have resorted to the tactics employed by him.

Mr. BAILEY. Mr. President——

Mr. LUCAS. I yield to the Senator from North Carolina.

Mr. BAILEY. Mr. President, illegality is not moral turpitude.

Mr. LUCAS. I will discuss that with the Senator before we get through.

Mr. BAILEY. I did not rise for that purpose. The Senator has raised a question as to the evidence. I quote from the testimony of the respondent, Senator LANGER, as to the case of Oster who was in jail under an indictment for murder in the first degree:

> Well, after they had Oster in jail, the State's attorney took Mrs. Oster and, she being the only eyewitness—

That is to the murder—

> held her what is called incommunicado. I could not get to see her. I went to the State's attorney, and I said "Now, I certainly have a right to talk to Mrs. Oster. She is a friend of mine. She hasn't got a divorce from her husband. She can't be a witness, anyway. I would like to see her. "Well," he said—

That is, the State's attorney said—

> "we are going to have her as a witness in the case since she is going to get a divorce."

That is the way this incident started. The State's attorney is undertaking to procure by act of law a witness against Senator LANGER's client, who was on trial for his life, and actually had her incommunicado and he notified Senator LANGER of what was to take place.

I am not saying that Senator LANGER did right; I am not saying that any other lawyer in this body would have done what he did; but I am saying that he had the man's life in his hands, and when he saw the State's attorney getting the eyewitness where he would have her, in his control, and change the circumstances which were obtaining at the time of the commission of the crime, he went very far and brought about a remarriage; but all he did was to restore the status which existed at the time when he had taken the retainer to defend the man for his life.

That may be all unethical; we may say it is illegal; but I will say that if I am asked to vote to expel a Senator on that ground I would not vote to expel him; I would not vote to disbar him. One act of that sort cannot be of significance except in connection with some outstanding act of fraud or rascality which can be brought forward by way of corroboration, by way of aiding the argument. My mind is not moved by that single, sole incident. What I want to hear is something, as I said just now, that will convince me that it is my duty, as a Senator, to reverse the action of the State of North Dakota, not on my own account, at all, but on account of the fact that, being a Senator, I have a duty to see to it that this body is protected against disintegration or disgrace or the menace of the presence of a man whose reputation is so bad that his admission to the Senate would tend to destroy the Senate itself. I do not think we can get away from that position.

Mr. McKELLAR. Mr. President, may I ask the Senator from Illinois how long ago the incident occurred?

Mr. LUCAS. It occurred in 1930.

Mr. McKELLAR. That was 12 years ago.

Mr. LUCAS. Let me say to Senators who are here listening to the argument made by the Senator from North Carolina that, of course, the Senator from North Carolina always makes an excellent argument, he is very convincing and very persuasive, but we have just now started on the question of moral turpitude. I have merely discussed one of a number of cases that are in the record. I would not disagree with the Senator from North Carolina if this one case were standing alone; but, as I said a moment ago, one case follows another in connection with the charges of moral turpitude, and our committee believed they were sufficient to prove the case.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr LUCAS. I yield.

Mr. WHEELER. The Senator does not contend, does he, that there was any moral turpitude in this particular incident?

Mr. LUCAS. Certainly, I so contend.

Mr. WHEELER. The Senator contends that there was?

Mr. LUCAS. Certainly, I do.

Mr. WHEELER. I would not agree with the Senator that there was moral turpitude involved, but the acts both of the district attorney and Senator LANGER were unethical. As a matter of fact, it was reprehensible on the part of the district attorney to take a witness, keep her incommunicado, and proceed to try to get a divorce for her; and the action of Mr. LANGER was also reprehensible; but when you try to say to me that moral turpitude is involved——

Mr. LUCAS. What does the Senator think it is?

Mr. WHEELER. I do not think it is moral turpitude; I think the action was unethical.

Mr. LUCAS. Let me read the definition of "moral turpitude," if I may.

Mr. WHEELER. Very well; let the Senator read it.

Mr. LUCAS. The definition is:

> Turpitude, in its ordinary sense, involves the idea of inherent baseness or vileness, shameful wickedness; depravity. In its legal sense it includes everything done contrary to justice, honesty, modesty, or good morals.

Mr. BAILEY. But the Senator is not going to argue that everything done contrary to honesty and modesty and good morals would disqualify a Senator?

Mr. LUCAS. Of course not.

Mr. BAILEY. Then let us get to a definition of moral turpitude. The moral turpitude must be in such degree as to menace or threaten the status of the Senate in the minds of the people of the United States. The Senator will agree with me about that?

Mr. LUCAS. Of course, I agree with the Senator; and if the Senate will give me the opportunity for the next 2 or 3 hours, and the next 2 or 3 days, I think I shall be able to convince some individuals along that line. The trouble now is that we are trying the case before we hear the facts.

Mr. BAILEY. No; I beg the Senator's pardon. The Senator is trying the case on the Oster evidence, and we have a right to test the Oster evidence as it is presented.

Mr. LUCAS. Of course, the Senator is correct in that statement, but I am not standing upon the Oster case alone, as the Senator knows, but I am standing upon a series, and the committee stood upon a series, of charges of acts involving moral turpitude, culminating in the bond deal, which I shall explain a little later, and culminating in the Mexican land-stock transaction, in which 25,000 cold dollars changed hands.

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. JOHNSON of Colorado. What does the evidence show the court did about this matter? Of course, the court was advised what Senator LANGER had brought about.

Mr. LUCAS. I do not know. As I have said, we learned some things about the case from Senator LANGER himself, which the investigators did not find out. Whether the court knew he had taken Oster out of jail, I do not know.

Mr. JOHNSON of Colorado. The Senator stated a moment ago that Oster was in charge of the court.

Mr. LUCAS. Oster was in jail in charge of the sheriff.

Mr. JOHNSON of Colorado. The Senator said he was responsible to the court, and the sheriff did not have any charge of him. If he was in charge of the sheriff, the sheriff had a right to take him out, did he not?

Mr. LUCAS. The Senator is a little confused about the facts in the Oster case. Jacob Oster was in jail.

Mr. JOHNSON of Colorado. Yes.

Mr. LUCAS. Charged with murder.

Mr. JOHNSON of Colorado. Yes.

Mr. LUCAS. Senator LANGER was attorney for Oster, who was in jail, and he had himself sworn in as a deputy sheriff, through conspiracy with the sheriff, and then proceeded to take Oster out of jail without a court order, crossed the State line into South Dakota, and had him remarried to Emma Oster.

Mr. JOHNSON of Colorado. What did the court do about it? That is what I want to know.

Mr. LUCAS. The court had nothing to do about it at all.

Mr. JOHNSON of Colorado. The court was certainly trying him, and if the court was convinced that an irregularity had taken place, it could have disbarred Senator LANGER.

Mr. LUCAS. I do not know whether there is any evidence to show that the court knew anything about the situation.

Mr. JOHNSON of Colorado. The court certainly had to know about it.

Mr. LUCAS. I cannot answer that question.

Mr. JOHNSON of Colorado. The court would have to know about it. What did the prosecuting attorney do about it?

Mr. LUCAS. Regardless of whether the court did anything, I am asking the Senator what he thinks about the act, assuming the facts to be true. We are not depending on what the court in North Dakota did. Here is a fact, laid bare before the Senate of the United States, and it is a question of whether or not the Senator thinks the element of moral turpitude is involved.

Mr. BONE. Mr. President, I should like to know whether the prosecuting attorney, who was actively interested in this matter, laid a charge against Senator LANGER.

Mr. LUCAS. I do not know.

Mr. BONE. He was the one whose feelings should have been outraged. Was a charge laid against the Senator later by the proper prosecuting official of the county, or did he just ignore the occurrence completely? I do not like to sit in judgment on a man and charge him with something in my own mind when there was a man elected by the people to prosecute offenses, if there was an offense committed, and this man, with full knowledge of the facts, did not prosecute or attempt to prosecute. I know that if I were prosecutor and an attorney on the other side committed some irregularity and violated the law, I would lay the long hand of the law on him right away.

Mr. CLARK of Idaho. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. CLARK of Idaho. I merely wish to ask the Senator from Illinois whether Mr. LANGER did anything in that transaction which constituted a violation of North Dakota law.

Mr. LUCAS. I do not know what all the laws of North Dakota provide, and I do not know what the courts of North Dakota did in respect to this case. I am merely reiterating what I stated before; I lay the cold facts before the Senate.

In 1926 Frank Smith, having been elected as a Senator from Illinois, was unseated by the Senate. The courts did not have anything to do about the matter. No one prosecuted Frank Smith in my State, no one had him arrested; he was not charged with a crime; but the Senate of the United States ousted him, acting on the facts they had before them. I am now laying facts before the Senate.

Mr. CLARK of Idaho. Perhaps I did not make myself clear. I merely wondered, and asked the question in good faith, if the Senator's committee ascertained whether Mr. LANGER violated the law of North Dakota in connection with the transaction he has been discussing. I do not intend to argue with the Senator about that, or to follow it up; I merely want to know for my own information.

Mr. LUCAS. I am merely giving the Senator the facts as I know them. Whether he violated the laws of North Dakota I do not know.

Mr. BONE. May I inquire of Senator LANGER, if it is proper, whether the prosecuting attorney of the county did anything about this matter. Will the RECORD show what the prosecuting attorney did?

Mr. LANGER. He did nothing at all, Senator.

Mr. LUCAS. That is an answer.

Now, Mr. President, following the Oster case, the committee brings to the attention of the Senate a charge appearing on page 51 of the report, a charge of moral turpitude against Senator LANGER, involving a brawl which occurred at Fort Yates, N. Dak.

Mr. VANDENBERG. Will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. VANDENBERG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Nye
Austin	Gillette	O'Daniel
Bailey	Glass	Overton
Bankhead	Green	Pepper
Barbour	Guffey	Radcliffe
Barkley	Gurney	Reed
Bilbo	Hayden	Reynolds
Bone	Herring	Rosier
Brewster	Hill	Russell
Bulow	Holman	Schwartz
Bunker	Hughes	Shipstead
Burton	Johnson, Calif.	Smathers
Butler	Johnson, Colo.	Smith
Byrd	La Follette	Stewart
Capper	Langer	Taft
Caraway	Lee	Thomas, Idaho
Chandler	Lucas	Thomas, Okla.
Chavez	McFarland	Thomas, Utah
Clark, Idaho	McKellar	Tunnell
Clark, Mo.	McNary	Tydings
Connally	Maloney	Vandenberg
Danaher	Maybank	Van Nuys
Davis	Mead	Wheeler
Doxey	Millikin	White
Ellender	Murdock	Wiley
George	Murray	Willis

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. LUCAS. Mr. President, I now desire to invite the attention of the Senate to what is known in the committee's report as moral turpitude charge No. 2, found on page 51 of the committee's report:

> Some time in the early part of Senator LANGER'S career as an attorney, he was employed to defend four Indians at Fort Yates, N. Dak., who were charged with murder in the first degree of another Indian by the name of Yellow Lodge. Senator LANGER was employed over the telephone to represent the defendants at the preliminary hearing. He had made arrangements over the telephone with the deputy sheriff to talk to his clients when he arrived at Fort Yates. LANGER did not reach Fort Yates until 2 or 3 o'clock in the morning due to bad roads and inclement weather.
>
> No one was at the jail except the janitor who was a big stalwart, half Indian and half Negro. After some conversation he advised Senator LANGER that he would not let him in, that he knew nothing about the instructions of the deputy sheriff. After some further conversation, Senator LANGER asked the custodian where the keys were to the jail, and the latter replied that they were in the sheriff's desk, but that he would not let Senator LANGER see them.
>
> Senator LANGER said in his testimony on page 503 of the hearing that:
>
> "After some more discussion I got through, and it was a question of whether he could whip me or I could whip him, but anyhow I got in, got my hands on the keys, after breaking down the sheriff's door and breaking into his desk, and took the keys and went to see my clients."
>
> A question was asked as follows:

This occurred before the committee. Senator LANGER was testifying. I asked him this question:

> Senator LUCAS. Did the county bring any action against you for trying to take the jail?
>
> Senator LANGER. No; the complaint was made by the judge.

Senator WILEY. Just a moment. Let me ask this question. Did I understand there was some proceeding started against you for disbarment for that?

Senator LANGER. Not quite. It went to the supreme court. The judge over in that district took very violent offense in the matter and the sheriff complained very bitterly. The sheriff complained that I had broken down his door and had been destructive of public property.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LUCAS. I will yield in a moment. Mr. President, this testimony came voluntarily from Senator LANGER when he was testifying before our committee. The investigators did not discover that testimony. There was an officer of the court, fighting with the custodian of the jail.

It was a question of whether he could whip me or I could whip him.

Senator LANGER went past the custodian of the jail, broke into the sheriff's desk and obtained the keys, and proceeded to go in and talk to his clients who were in the jail charged with murder. I do not know whether that is an act of moral turpitude. I do not know whether or not the Senator from Louisiana can condone such an act. Perhaps some Members of the Senate will say that under the law that is not an act of moral turpitude. However, Mr. President, to me it presents a serious situation. If the Senator from Louisiana were to go down into Louisiana and break into a jail——

Mr. ELLENDER. I am wondering why the Senator continuously refers to the Senator from Louisiana.

Mr. LUCAS. The Senator was on his feet. I shall refer to myself. I make the same argument which I made in connection with the Oster case. If the Senator from Illinois, as a lawyer, were to go back to his home county and follow the same tactics which were used by Senator LANGER in this particular case, I undertake to say that the Senate would be charging the Senator from Illinois with moral turpitude—and rightly so, in my humble opinion. I can appreciate the fact that Senator LANGER got there in the early part of the morning; but regardless of the agreement he had with the sheriff—and that is what the Senator wants to talk about——

Mr. ELLENDER. That is what I had in mind. Another thing I had in mind——

Mr. LUCAS. Just a moment. I did not yield to the Senator. I am simply talking to him.

Regardless of the agreement he had with the sheriff, and the facts that he got there at 2:30 or 3 o'clock in the morning, and that the custodian of the jail did not know anything about the situation, does any kind of an agreement justify a lawyer in whipping the custodian, breaking into the jail, and getting the keys?

Mr. ELLENDER. The facts do not show that he whipped him, do they?

Mr. LUCAS. I did not yield to the Senator from Louisiana.

Mr. ELLENDER. Why does not the Senator state the facts?

Mr. LUCAS. I merely read from what Senator LANGER said. I am not yielding to the Senator from Louisiana. I have the floor, and I intend to keep it until I am ready to yield to the Senator from Louisiana.

Mr. ELLENDER. Very well.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The Senator declines to yield.

Mr. LUCAS. Let me read what Senator LANGER himself said. I read from page 51 of the committee report:

Senator LANGER said in his testimony on page 503 of the hearings that:

"After some more discussion I got through, and it was a question of whether he could whip me or I could whip him"—

I do not know whether the Senator draws any inference from that or not, but I do—

it was a question of whether he could whip me or I could whip him.

He got through and got the keys. So apparently he must have either whipped him or caused him to stand aside at least long enough to break into the desk of the sheriff. Those are his exact words. He got the keys and opened the jail, wherein there were men charged with murder. That is another act of moral turpitude which we present. It is for the Senate to determine whether this act, together with the others which we shall present, are sufficient basis on which to exclude him.

Mr. BONE. Mr. President, may I inquire what year that was?

Mr. LUCAS. I do not know that I recall the year, but it was in the early part of the Senator's career as a lawyer.

Mr. BONE. On the preceding page there is a reference to 1922. Was it about that time?

Mr. LUCAS. To what page does the Senator refer?

Mr. BONE. On page 503 he said:

About this time, I had been hired by some Indians.

And so forth. So I presume it must refer back to 1922.

Mr. LANGER. It was about 20 years ago.

Mr. ELLENDER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. LUCAS. I yield.

Mr. ELLENDER. Mr. President, I should like to call the attention of the Senator to the heading of the charge on page 51. It reads:

Respondent breaks down the doors of the county jail.

That is not true, is it?

Mr. LUCAS. Let me read the testimony again——

Mr. ELLENDER. I am talking about the heading.

Mr. LUCAS. Let me read it again to the Senator. I hope I can make him understand this time.

After some more discussion I got through, and it was a question of whether he could whip me or I could whip him, but anyhow, I got in, got my hands on the keys, after breaking down the sheriff's door and breaking into his desk, and took the keys and went to see my clients.

I think the sheriff lives in the county jail.

Mr. ELLENDER. That is a question which I wanted to ask the Senator.

Mr. LUCAS. In my county the sheriff lives in the county jail. Senator LANGER himself says he broke down the door of the sheriff, so I take it the heading is not out of place when we say in the report:

Respondent breaks down the doors of the county jail.

Mr. ELLENDER. If the sheriff lived inside the jail, of course, that heading would be in accord with the facts, but the point is this——

Mr. LUCAS. I do not care whether he lived outside or inside the jail.

Mr. ELLENDER. I understand; but a good many Senators who may not have time to read this entire record are confronted with this charge:

Respondent breaks down the doors of the county jail.

As a matter of fact, the evidence shows that that did not occur. What he did was to obtain the keys from the sheriff's office, and thereafter, I presume, he used the keys and opened the door.

Mr. LUCAS. Let me read the testimony of Senator LANGER once more for the benefit of the Senator from Louisiana. This is the third reading. I want to be sure the Senator understands it this time.

Mr. ELLENDER. I understand; but the evidence of Senator LANGER is not that he whipped the deputy, as the conclusion drawn by the Senator would indicate, or that there was a fight. I am wondering whether such a thing happened—not that it makes much difference, but let us stick to the facts as they are and not depend upon the Senator's conclusion or those of the committee.

Mr. LUCAS. That is what I am doing; but unfortunately the Senator is not. I am sticking to the facts. Let me read once more. The facts come from the lips of Senator LANGER himself, and not from anyone else. These are not facts developed by the investigation of the investigators; this does not come from the subcommittee or the full committee; this statement comes voluntarily from the lips of Senator LANGER; and we quote word for word what was said by Senator LANGER before the committee. If the Senator from Louisiana can draw any conclusion other than what the facts state, it is perfectly all right with me.

Mr. ELLENDER. The Senator does not argue to this body that the answer of Senator LANGER which he read indicates that Senator LANGER broke down the jail doors, does he?

Mr. LUCAS. Let me read it again.

Senator LANGER said in his testimony on page 503 of the hearings, that:

"After some more discussion I got through"—

I think I shall go back a little further and read for the benefit of the Senator——

Mr. ELLENDER. I think the Senator ought to read it for his own benefit, and not for the benefit of the Senator from Louisiana.

Mr. LUCAS. That is all right. The Senator will take care of himself. I did not yield to the Senator.

Let me read:

After some conversation he advised Senator LANGER that he would not let him in, that he knew nothing about the instructions of the deputy sheriff. After some further conversation, Senator LANGER asked the custodian where the keys were to the jail, and the latter replied that they were in the sheriff's desk, but that he would not let Senator LANGER see them.

Senator LANGER said in his testimony on page 503 of the hearings, that:

"After some more discussion I got through, and it was a question of whether he could whip me or I could whip him, but anyhow I got in——

I do not know what that means; but, if I say I am going to go through, and is a question whether you whip me or I whip you, and I get through, there is every reason to believe that there is a battle, or that at least, if there is no battle, the other fellow stands aside and lets me go through because of the intimidation and threat.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LUCAS. No; I refuse to yield.

Mr. ELLENDER. Will the Senator yield at that point?

Mr. LUCAS. No; I do not yield.

I continue to read from Senator LANGER'S testimony on page 503 of the hearings:

But anyhow I got in, got my hands on the keys, after breaking down the sheriff's door and breaking into his desk.

He broke down the sheriff's door, and he broke into the sheriff's desk. I do not care whether the sheriff happened to live in the jail. He does live in the county jail in my section of the country; but I do not care whether he lived in the county jail or lived outside the county jail; regardless of that, Senator LANGER broke down the door of the sheriff's office and broke into a desk in the sheriff's office. That is the gravamen of the offense; and whether the sheriff lived in the jail or whether he lived on the outside is immaterial. The point the Senator from Louisiana makes is highly immaterial.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHEELER. I have not read the record and I do not know about the point the Senator makes; but there is some reference to whether Senator LANGER had an agreement with the sheriff, is there not?

Mr. LUCAS. Yes.

Mr. WHEELER. What is that part of the report?

Mr. LUCAS. I will read it:

Senator LANGER was employed over the telephone to represent the defendants at the preliminary hearing. He had made arrangements over the telephone with the deputy sheriff to talk to his clients when he arrived at Fort Yates. LANGER did not reach Fort Yates until 2 or 3 o'clock in the morning due to bad roads and inclement weather.

Mr. President, the testimony in the record shows that the Senator started for Fort Yates, got to the end of the railroad line, and found that the roads were bad; he had to go some 15 or 20 miles either by automobile or by some other means of transportation, and when he arrived at Fort Yates it was half past 2 or 3 o'clock in the morning.

No one was at the jail except the janitor, who was a big stalwart half Indian and half Negro. After some conversation he advised Senator LANGER that he would not let him in, that he knew nothing about the instructions of the deputy sheriff. After some further conversation, Senator LANGER asked the custodian where the keys were to the jail, and the latter replied that they were in the sheriff's desk, but that he would not let Senator LANGER see them.

Senator LANGER said in his testimony on page 503 of the hearings that:

"After some more discussion I got through, and it was a question of whether he could whip me or I could whip him, but anyhow I got in, got my hands on the keys, after breaking down the sheriff's door and breaking into his desk, and took the keys and went to see my clients."

Mr. WHEELER. Let me say that I can readily understand how the Senator from Illinois would not have done that or I would not have done that very thing, but I do think there are some extenuating circumstances; that is, if he had had an agreement that he could see his clients, and when he got there this big fellow, half Indian, and apparently an ignorant fellow, would not let him see them, he thereupon got into an argument with him, and did break into the sheriff's desk. That happened away back in 1922, according to the record.

Mr. LUCAS. Yes.

Mr. WHEELER. Since that time the matter was made an issue in the election, I understand.

Mr. LUCAS. I do not understand that; I do not know anything about that.

Mr. WHEELER. I understand it was made an issue in that election.

Mr. LUCAS. The Senator may know that; I do not know it.

Mr. WHEELER. I thought the record said something about that. I glanced at it rather hurriedly, and I give simply my recollection.

Mr. LUCAS. I do not know that.

Mr. WHEELER. I think the record said the story of the incident was circulated around. Senator LANGER testified, page 504 of the hearing:

Well, there was a lot of trouble about that. They went to the supreme court, and the supreme court refused to take cognizance and did not even let them file their charges.

Well, that went all over the State, and a lot of folks think, or thought of course, that a lawyer should not break into jail and that sort of thing, and it was spread, as I said, all over the State.

Mr. LUCAS. That is correct.

Mr. WHEELER. It went to the supreme court, and that was the proper place for it to go.

Mr. LUCAS. That is correct.

Mr. WHEELER. It went there; and the supreme court should have disbarred him if it felt that moral turpitude was involved. The supreme court did not act. Why should the Senate of the United States refuse to allow him to take his seat as a Senator, when the matter was presented to the supreme court 20 years ago and the supreme court refused to take action?

Mr. LUCAS. I will not yield for long argument.

Mr. WHEELER. No; of course not.

Mr. LUCAS. I shall present this case in the manner I deem proper.

Mr. BONE. Mr. President, will the Senator yield?

Mr. LUCAS. I will yield in a moment. The Senator from Montana asks "Why throw this man out because of one case?" Of course if this case were standing alone, or if the previous case, the Oster case, were standing alone, I could not conscientiously vote to exclude this man from a seat in the Senate; but I have been trying to say that this is the beginning of this case. I cannot follow the Senator from North Carolina [Mr. BAILEY] when he says that we should hasten to take up the main charges. I know that he has tried a great number of lawsuits in his life; he is one of the most able lawyers in the Senate. I am sure that when he tried a lawsuit he went into some detail before he reached the real issue which was presented before the court or the jury, and it did not make any difference whether it was a court or whether it was a jury; he went into some detail in developing his case.

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. LUCAS. We have here charges of moral turpitude. I have presented the Oster case. Now I am presenting this case involving Senator LANGER'S actions when he went to Fort Yates to defend Indians charged with murder. He himself brought out the facts. The committee had nothing to do with that. The investigators, who are scored by the junior Senator from Utah [Mr. MURDOCK] and by my good friend, the distinguished Senator from North Carolina [Mr. BAILEY], had nothing to do with it. Senator LANGER volunteered the information; and it seemed to the committee that when he volunteered the story, as he did, and told it with the gusto of one of the great Northwest boys, it was worth while at least to bring it to the attention of the Senate. A man who now seeks a seat here told the story of how he broke into a jail, broke down the sheriff's door, broke into his desk, and burglarized it, if you please. That is really what it was. If you go to my office because you have an appointment with me, but I am not there, and you say, "Well, I have an appointment with the Senator; and it is on an important matter and I am going in, regardless," and you break down the door, go into my private files, into my desk which is locked, but you break it open, you burglarize my desk. If following this line of procedure, you take out of a desk keys to a county jail, and then go into the jail where there are three Indians charged with murder, you in effect becomes the sheriff, just as Senator LANGER became the sheriff in the Oster case, and as he became the sheriff in this case. He does as he pleases in North Dakota, which will be demonstrated by the evidence all the way through, from this case until the very last one, which we shall present to the Senate. He can do no wrong in the State of North Dakota; he is a law unto himself; and these two cases prove it beyond any reasonable doubt. We will continue to show it from the time of the earliest case on which the investi-

gation produced evidence until 1940, when in the Kolstadt case he was guilty, in my humble opinion, of subornation of perjury. Yet some Senators say that now is the time to get to the meat of the thing.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER (Mr. DOXEY in the chair). Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. BAILEY. I do not care to trouble the Senator, but I am a little disposed to raise questions——

Mr. LUCAS. I should like to yield, I will say to the Senator, for a question.

Mr. BAILEY. I should like to ask one question about the use of words. The Senator from Illinois says the acts referred to were burglary—going into the sheriff's office, in the presence of the deputy sheriff, and forcibly taking the keys, with a view to seeing his clients. As an officer of the court he had a right to see his clients, but things did not fall out so that he could see them in the regular way. They were to be tried the next morning, as I understand; he had to see them quickly. He was very ardent; he overreached. But what is burglary? If it was not burglary, I think it is due the respondent, who sits here at any rate as a Senator, not to be charged with burglary unless there is more evidence than this. I should say the accusation of burglary would not stand up in any court on earth.

Mr. LUCAS. Now, Mr. President——

Mr. BAILEY. At the worst—and I should like to ask the Senator this question—could Senator LANGER have been guilty, under those circumstances, of more than forcible trespass?

Mr. LUCAS. The Senator from North Carolina can talk about forcible trespass in North Carolina; but what is forcible trespass down there might be something else in North Dakota or in Illinois.

Mr. BAILEY. Oh, Mr. President, let me say to the Senator from Illinois——

Mr. LUCAS. Just a moment please——

Mr. BAILEY. Let me say to the Senator from Illinois that the offense of forcible trespass is a common-law offense, and obtains wherever the common law obtains.

Mr. LUCAS. Mr. President, I dislike to insist on my rights as a Senator, and I have a great deal of respect for the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from Illinois declines to yield.

Mr. LUCAS. I have the floor. I ask that the rules be observed by the Senator from North Carolina as well as by other Senators. I shall yield only for questions.

The PRESIDING OFFICER. The Senator from Illinois controls his own time; but he yielded to the Senator from North Carolina.

Mr. LUCAS. I will yield every time for questions, but not for speeches.

The PRESIDING OFFICER. The Chair cannot tell for what purpose a Senator may ask the Senator from Illinois to yield. Does the Senator yield or not?

Mr. ELLENDER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. LUCAS. I yield.

Mr. ELLENDER. I am wondering whether we are to take the distinguished Senator from Illinois at his word, when he told us at the beginning of his argument that he would yield at any time so as to permit us to ask questions so as to ventilate all facts in the case as he goes along. Of course, if the Senator does not want to do that, it is all right with me. I have tried to get his attention on two or three occasions, merely to try to bring out some angles of the case which I deem important, although probably simple and insignificant.

Mr. LUCAS. I told the Senator in the beginning that I should like to present the matter in an orderly way, and that I would yield for questions, but that I should not like to yield for speeches. That is what I said, and that is all I said. Senators can make legal arguments in my time and can make speeches in my time, but I should like to have my rights respected along that line.

Mr. ELLENDER. I do not suppose we can get much out of the Senator simply by asking him a few questions. I am wondering if the Senator does not want to be fair and square about it all and to discuss the case as we go along. What is the use of him making his speech now, if we shall have to go all over it again? Why not have a thorough understanding of the facts as we go along and not simply draw conclusions?

Mr. LUCAS. I am very happy to yield to my friend, the Senator from Louisiana, at any time for pertinent and material questions; but it seems to me that the Senator would do much better by making his speeches in his own time, and he will have the floor in time to do that. However, I think that I yielded to the Senator from Louisiana on all questions and all points.

Mr. ELLENDER. The question that I had asked the Senator was with particular reference to charge No. II, on page 51. It is true that my question may not have been pertinent, but I simply desire to point out that, by drawing a wrong conclusion in the title of charge II, as I claim you have done, might I not assume that you have drawn other erroneous conclusions? In other words, with a title headed "The respondent breaks down the doors of the county jail," it would seem that such a title would be so worded because of certain facts in the record; but the facts do not justify that conclusion, in my opinion; and, if they do not justify it in that case, how are we, in the future, to judge other conclusions made?

Mr. LUCAS. Is the Senator now attempting to contest the good faith of the Senator from Illinois?

Mr. ELLENDER. Absolutely not. It is my contention, although it may be unimportant, as the Senator has indicated, in regard to the question that has been raised concerning the title "The Respondent Breaks Down the Doors of the County Jail"——

Mr. LUCAS. What difference does it make whether it was the sheriff's office or the county jail?

Mr. ELLENDER. Let us have the facts as they are, and let us draw our own conclusions. That is all I am suggesting.

Mr. BONE. Mr. President——

Mr. LUCAS. I now yield to my good friend from Washington.

Mr. BONE. I should like to ask the Senator from North Dakota if North Dakota is a code State?

Mr. LANGER. Yes, it is.

Mr. BONE. Are grand jury indictments the rule there, or does the prosecutor inform against a defendant in a murder case?

Mr. LANGER. It may be done both ways.

Mr. BONE. I note in the testimony there is reference to a preliminary hearing at 9 o'clock the next morning.

Mr. LANGER. That is correct.

Mr. BONE. Is that a matter of right, or can it be given and relief afforded to the defendant if he wants to have a preliminary hearing?

Mr. LANGER. It is set by the justice of the peace.

Mr. BONE. Does that follow in all cases?

Mr. LANGER. It follows in all cases.

Mr. BONE. So that, when you got there at 2 or 3 o'clock in the morning, you were endeavoring to prepare yourself for the preliminary hearing at 9 o'clock the next morning?

Mr. LANGER. That is exactly right.

Mr. SCHWARTZ. Mr. President, will the Senator permit a question?

Mr. LUCAS. Certainly.

Mr. SCHWARTZ. What was the agreement between Mr. LANGER and the deputy sheriff as to whether or not he would be permitted to see the prisoner?

Mr. LUCAS. I am not sure that the evidence is clear, but, as I recall the testimony—and I will say to the Senator that there are between four and six hundred pages of testimony in the investigator's record and some 700 pages in the volume the Senator now holds in his hand—Senator LANGER had made arrangements with the deputy sheriff to meet him to discuss this matter with his client, who was charged with murder, but, because of bad roads and inclement weather, he did not get there until between 2 and 3 o'clock in the morning. So we have a right to assume that the deputy sheriff thought, perhaps, because of the lateness of the hour, Mr. LANGER was not coming. The Senator, himself, testified that it was the bad condition of the roads that caused him to be late. There was no one present except the custodian of the jail when he reached there about 2:30 or 3 o'clock in the morning.

Mr. SCHWARTZ. Is there any further testimony except Senator LANGER'S testimony?

Mr. LUCAS. That is all.

Mr. SCHWARTZ. I read from the testimony and I should like to know if this is the extent of it. Mr. LANGER says:

> Now, that was during the winter and there was snow on the ground. It happened that I was hired over the telephone and the preliminary examination was going to be the next day.

As I understand, it was to be the next day at 9 o'clock——

Mr. HUGHES. From what page is the Senator reading?

Mr. SCHWARTZ. From page 503. Mr. LANGER continues:

> And so I said, "Well, I will come up tonight." I was talking to the deputy sheriff at the time, and I wanted to be sure that I could see these four men in the jail, and he agreed and it was all specifically agreed that I could do that.

He gets there at 3 or 4 o'clock in the morning; the deputy sheriff is not there; he has an agreement with the deputy sheriff that he may get in, but the janitor or someone else says he does not understand about that. The fact is, however, that he had a specific agreement.

Mr. LUCAS. I have no doubt he had an agreement, and I presume the agreement should have been carried out by the deputy sheriff, but probably the janitor knew nothing about the agreement, and the janitor was doing his duty in keeping anybody from entering. The point I am making concerns the question of propriety and ethics and legality, regardless of that fact. I do not think the Senator from Wyoming would do anything of that kind; he would wait until the next morning at least, without breaking into the jail, or without breaking the sheriff's door down, or without breaking the desk and taking the keys out.

Mr. SCHWARTZ. What the Senator says is true, but let me say that if Mr. LANGER had a specific agreement with the deputy sheriff that would permit him to see the men I do not think it would be a matter of burglary, although it might be a matter of a little extra enthusiasm in the cause of his client. Nevertheless, he was going to the jail in accordance with a specific agreement with the deputy sheriff. The janitor said, however, he did not know anything about it, and he was not going to let anyone enter.

Mr. LUCAS. The Senator has the facts and he can draw his own conclusions from them. Personally, I could not have done such a thing, regardless of whether or not there was an agreement with the deputy sheriff. I would have waited until the next morning to see the deputy sheriff.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. ELLENDER. I understand this case found its way to the Supreme Court. Is the Senator aware of the action taken by the Supreme Court in the case?

Mr. LUCAS. No.

Mr. ELLENDER. The Supreme Court had all the facts, but dismissed the charges and refused to hear them, I am informed.

Mr. LUCAS. I have no doubt about the correctness of the Senator's statement.

Mr. ELLENDER. I thought the Senator knew about that——

Mr. LUCAS. As chairman of the subcommittee, I am laying the facts before the Senate. As I said awhile ago, Frank Smith was unseated by the Senate in 1926, and there was never any court proceedings in Illinois. He was appointed by the Governor of the State and came here with bona fide credentials as having been appointed by the Governor, but the Senate unseated him, although he was not charged with any crime.

Mr. WHEELER. He never was seated.

Mr. LUCAS. No; he never was seated; the Senate did not even let him take his seat. However, I am mentioning that case to the Senator from Louisiana to show that there was no crime committed in Illinois, and yet the Senate held that he took $125,000 from Tom Insull, a public-utility magnate. That is what he was charged with—and I have the record here—he was denounced in the Senate, and the Senate refused to let him take his seat. But, in Illinois, there was never a warrant sworn out for him, charging him with a single crime, and the case never got into any court.

Mr. ELLENDER. Would the Senator make any distinction between that case and this one, which went to the Supreme Court and the Supreme Court dismissed it?

Mr. LUCAS. At least, in this instance, the case was taken to the Supreme Court; that is more than what happened in the case of Frank Smith, of Illinois; that case never reached the Supreme Court. Someone thought there was sufficient ground to bring the case of Mr. LANGER before the court, and, at least, it did get into the courts. Senators can take either horn of the dilemma. I am merely laying the facts before the Senate, presenting them in the words of Senator LANGER himself. The Members of the Senate may draw their own deductions and conclusions, and I care not what they may be. I have no personal interest in this matter. I wish the Senator from Louisiana were in my position and I where he is. This is one of the most difficult problems with which the Senator from Illinois has had to contend since he has been a Member of the Senate. I am attempting to do my duty under my oath, and that is all. I have not lobbied here, attempting to influence any Member of the Senate. I would not lobby against BILL LANGER or any man standing in his position before the United States Senate. I want every Senator to do what he thinks is right after he hears all the evidence. I am conscientiously and sincerely and honestly attempting to present this matter before the Senate of the United States in behalf of the members of the Committee on Privileges and Elections, who voted 13 to 3 for exclusion after they had sat for weeks and months listening to all the testimony.

Mr. ELLENDER. I do not suppose anybody is trying to blame the Senator. I know he is doing the job as best he can.

Mr. LUCAS. I thank the Senator for the compliment; I am glad to have it from him; I need it.

Mr. ELLENDER. Let me ask the Senator would he be willing to throw a Senator out of this Chamber when on the same facts a court of justice dismissed the same charges against such a Senator?

Mr. LUCAS. I will have plenty to say upon that point before I get through, if the Senator will wait for the legal argument to come upon that question. I am not going into that now and I can not be drawn, from my regular presentation of this matter, into legal questions, but I will discuss that probably some time next week, as I think the case will take about that much time. However, I will go into that question, and, I think, if the Senator wants to be reasonable and fair about it, I will convince him.

Mr. ELLENDER. But the charges involved in No. 2 were passed upon by the supreme court and were dismissed, and I presume for good reasons. The Senator is now, as I understand it, bringing the same matter before the Senate for adjudication.

Mr. LUCAS. I did not bring it here; Senator LANGER himself brought it here.

Mr. SCHWARTZ. Mr. President, I did not complete reading from the testimony; and, if the Senator will be kind enough to yield further, I will finish.

Mr. LUCAS. I yield.

Mr. SCHWARTZ. I continue reading from page 503:

> The examination was at 9 o'clock in the morning and I had made arrangements with the deputy sheriff. I asked where the sheriff was and he said he was out in the country at his home, 3 or 4 miles out.

Possibly that was the only way to get to see this man—to go there before 9 o'clock in the morning. However, Senator LANGER was perfectly willing to go and see the sheriff if he could find him.

Mr. LUCAS. The Senator and I agree that we would not do what he did.

Mr. SCHWARTZ. I was never in that situation. I do not know what I would do if I had a client charged with murder in a situation like this.

Mr. LUCAS. I would not like to think of what would happen to me in my section of the country if I did the same thing. I do not know what would happen in North Dakota, but I would not like to think about what would happen to me in my little circuit down in the country where I practice, where we believe in law and order, if I went in and broke down the sheriff's door and took the keys under these circumstances. The Senator from Illinois would have been in jail the next day.

Mr. SCHWARTZ. The Senator would not expect to be penalized and thrown out of the Senate for it 22 years afterward.

Mr. LUCAS. Oh, if this were the only charge, its importance would be different. We did not bring this in. Perhaps we should not have brought it in at all, but the Senator himself stood before the committee and elaborated upon it, and took much delight in doing so. Every member of the committee will confirm this statement. I felt that, in view of the glee exhibited by Senator LANGER over the fact that he had broken into the sheriff's office and got the keys, and so forth, we should lay it before the Senate, regardless of the time when it happened. I would not exclude the Senator upon one charge. It is only the beginning of the evidence. There is much more to be presented.

Mr. SCHWARTZ. I have read a good deal of the record.

Mr. LUCAS. I am glad the Senator has.

Mr. SCHWARTZ. That is probably more than some of the members of the

committee did, because they have been necessarily busy.

Mr. LUCAS. I do not like that statement that he has read more of the record than the committee has, if the Senator is directing it at me.

Mr. SCHWARTZ. No; I said probably more than some of the members of the committee had.

Mr. LUCAS. I do not know about that, but 13 of the committee members agreed to this report, and I wish to say to the Senate that during my 7 years in the Congress I have never known of a more sincere and conscientious committee than the one which studied these cases. That committee found 13 to 3 in favor of the resolution, as the Senator knows.

Mr. SCHWARTZ. I thought that possibly some of the members of the committee were following the Senator from Illinois because they all realize that ordinarily he is a good man to follow.

Mr. LUCAS. The Senator is very charitable at times, and, of course, I appreciate what he has said. I am not asking anyone to follow me in this case. I have no personal interest whatever in this affair.

Mr. President, I shall now proceed to the next case. We may have the title wrong—"Respondent charged with stealing a drug store." If that is an incorrect title, I wish to yield to the Senator from Louisiana now, before I get into the case. It is of great importance, I know.

Mr. ELLENDER. Does the Senator still admit that title 2 is right?

Mr. LUCAS. Certainly I do. In my section of the country it is right. It may not be in Louisiana.

Mr. ELLENDER. I do not think it is right in the Senator's section of the country, or in mine.

Mr. LUCAS. Yes; it is right in my section of the country, because the sheriff lives in the jail in my section.

Mr. WHEELER. It is not right in anybody's section of the country, as I read it, because, even though he lives in the jail, when the Senator is speaking of the jail, he does not mean that he lives inside the jail. He does not live inside the jail, in the Senator's State or in my State.

Mr. LUCAS. Yes.

Mr. WHEELER. He is in the jail building, but he is not in the jail, because the house where he lives is separate from the jail. There is no question about that, and the Senator knows it.

Mr. LUCAS. The Senator from Montana is getting technical, too, and whenever he becomes technical, we must beware, because he usually speaks on facts and not on such technicalities. At any rate, Senator LANGER broke into the sheriff's office.

Mr. WHEELER. Yes.

Mr. LUCAS. We agree on that. In my section of the country the sheriff's office is in the jail.

Mr. WHEELER. No, it is not in the jail.

Mr. LUCAS. In the jail.

Mr. WHEELER. In the jail building.

Mr. LUCAS. I accept the amendment. When Senator LANGER was State's attorney of Morton County, in 1914, he was engaged in the enforcement of State prohibition, and caused the arrest of Mr. and Mrs. John Hamere, of Shields, N. Dak., for violation of the liquor code. The place where the liquor was sold was the rear part of a drug store operated by the Hamere people. In arresting Mr. and Mrs. Hamere, Attorney LANGER, without any legal papers from the court, closed the drug store and locked it up. Attorney LANGER was thereafter sued for $20,000, as LANGER said in his testimony, "for stealing the drug store by locking the place up." Those are words of Senator LANGER himself.

Mr. TUNNELL. Can the Senator tell me the page where that testimony appears?

Mr. LUCAS. In the report the reference to the page is blank.

Mr. WHEELER. Let me see if I understand this. The charge of stealing a drug store was of locking up the place, as charged in the complaint by the parties against Senator LANGER.

Mr. LUCAS. That is what the Senator himself said.

Mr. WHEELER. What he said was that he was charged in this complaint by these people whose store he had locked up?

Mr. LUCAS. Yes.

Mr. WHEELER. The Senator does not think, does he, that there was any moral turpitude involved in the idea that some prohibition agent, or some attorney, went in and locked up a place? Is it not a fact that in the prohibition days prohibition agents locked up places without any warrant, that they would go into houses, that sheriffs would go into gambling houses and break up gambling joints without any papers? I agree that it was wrong, but I was United States District Attorney, and I know that Federal agents did it repeatedly. They went in and searched places without search warrants.

Mr. LUCAS. The Senator does not condone it.

Mr. WHEELER. I do not condone it.

Mr. LUCAS. That is the reason I now call attention to it.

Mr. WHEELER. I do not condone it; I fought against it, and I say it is wrong.

Mr. LUCAS. I did, too.

Mr. WHEELER. But lawyers all over the country, prosecuting attorneys, do it. They go in and tap wires. Right here in the city of Washington, during the term of Daugherty and Burns, they tapped Senatorial wires; they broke into Senatorial offices.

Mr. LUCAS. What happened to Daugherty?

Mr. WHEELER. What happened to him?

Mr. LUCAS. Yes.

Mr. WHEELER. We finally drove him out of the Cabinet.

Mr. LUCAS. And the Senator is the one who did it, for the very thing that is charged right here.

Mr. WHEELER. No.

Mr. LUCAS. It is the same principle.

Mr. WHEELER. They were breaking into Senators' offices, not once, but repeatedly, and they were tapping wires into homes. Not only that, but the Senator is asking, and the administration has asked, through Mr. Hoover, that they be granted the privilege of going in and tapping wires without getting search warrants from anyone. That very thing, their request for the privilege of tapping wires of people without getting search warrants, has been before the Congress.

Mr. LUCAS. The Senator has helped make my argument, and he did a great service for the country—and I say this in all seriousness—in what he did back in the Daugherty days. This case is similar to what the Senator has been discussing, because there is one charge of moral turpitude after another laid down in the hearings, just as the Senator said; wires were tapped and offices broken into, time after time.

I was a prosecuting attorney in my county from 1920 to 1924, in the days when the Ku Klux Klan was rampant in my county, but its members never accomplished anything like this. In other words, before anyone ever searched a drug store, or searched a place where liquor was being sold, he got a search warrant, which was prepared legally and properly, as everyone who knows anything about search and seizure under the Constitution of the United States knows that a search warrant is one of the most technical legal instruments, one of the most important, that can be drawn.

You went into the home of the Hameres, in this drug store where they had their place of business, and you went in there, and because they were selling liquor in the back part of that drug store, you proceeded, Mr. LANGER, to close it up with force, without any warrant. You took over.

Those were the tactics of Senator LANGER throughout his career, as every one of these cases shows. The courts meant nothing; the law meant nothing. He decided to close the drug store himself a. the attorney for the county, and he proceeded to close it up, lock it up. The people who owned that drug store brought suit against him for $20,000.

Mr. WHEELER. What happened to it?

Mr. LUCAS. He won the case, of course. [Laughter.] He wins them all. It is not possible to beat him in North Dakota; and there is a reason for that. Nevertheless, he was sued again. The Senator from Montana does not condone what he did, and if he had been in the position of Mr. LANGER, as a prosecuting attorney, he would never have done it. I did not bring the case here. The investigators did not bring it here. Senator LANGER himself brought it here. Makes no difference to me whether it is 30 years old, as the Senator from Montana [Mr. WHEELER] has suggested.

Mr. BONE. It is 30 years old.

Mr. LUCAS. I know it is. I do not care anything about that. We did not ask the Senator for it. He brought it out himself.

Mr. BONE. Mr. President, will the Senator yield?

Mr. LUCAS. I am delighted to yield.

Mr. BONE. The incident is being suggested here as a basis for action. That is why I mention it. I wonder why we should go back 30 years, even though the testimony was voluntarily given. We have to sit on the case and judge it. This incident has all the subtle aroma of an ancient document presented in court. I wonder why we do not go back to Senator

LANGER'S childhood. I should like to see something that has connection with recent matters.

Mr. HUGHES. Mr. President, will the Senator yield for one question?

Mr. LUCAS. Yes.

Mr. HUGHES. Since the Senator referred to that incident, I have run through the testimony hastily, and I will say that I have read it previously. The Senator said he would refer to page blank, but I do not find where Senator LANGER testified on that matter. I should like to be helped out in that connection.

Mr. LUCAS. Can one of the members of the committee refer to the page?

Mr. LANGER. Page 485.

Mr. LUCAS. The Senator remembers it very well.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. ELLENDER. The Senator has just made a significant statement with respect to the courts of North Dakota. I wonder if there is any evidence to bear out the Senator's charge? Is there any evidence to show that Senator LANGER had control of the courts of North Dakota?

Mr. LUCAS. We shall probably bring in some facts under the Senator's own statement before we get through with this case. The Senator from Louisiana wants me to try all these matters here in the short space of about 30 minutes. I told the Senator it would take about a week to bring all the facts in.

Mr. ELLENDER. The Senator from Louisiana does not desire that the Senator from Illinois try this case or anything like that, but I think we are entitled to a proper presentation of the facts, and let us draw our own conclusions. That is all I ask.

Mr. LUCAS. I shall be glad to do the best I can. Since the Senator has assumed the role of defender of Senator LANGER, I shall be glad to do the best I can to make the presentation of the facts.

Mr. ELLENDER. No; the Senator is not assuming the role of defender at all. But as I have just stated, we are entitled to the facts, and not to conclusions of the prosecutor.

Mr. LUCAS. Of course, I will deny again that I am a prosecutor. I want it distinctly understood that I am not. Of course the Senator can make any suggestion along that line he wants to. Once again I will say I am defending the integrity of the United States Senate in this case. That is all the interest I have in this matter. The Senator from Louisiana and other Senators can do whatever they desire. Whatever their final decision is will certainly be satisfactory to me, and I will still get along with everyone in the Senate.

The only thing I regret is that the Senator from Louisiana is not a member of the committee, and did not share in the work we have had to do. Especially do I wish he had been on the subcommittee which had to study some 4,600 pages of testimony.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MILLIKIN. Will it develop sometime during the Senator's presentation whether the particular courts which passed on these two matters were corrupt or were under the control of Senator LANGER?

Mr. LUCAS. No.

Mr. MILLIKIN. It will not so develop?

Mr. LUCAS. No.

Charge No. 4 in the committee report——

Mr. WHEELER. Before the Senator gets to that, will he yield again?

Mr. LUCAS. Yes; I yield.

Mr. WHEELER. It seems to me that, in fairness and for the purpose of the RECORD, certain statements made by Senator LANGER should be placed in the RECORD at this point. Coming from the State of Montana, which is next to the State of North Dakota, I know something about the conditions that existed in some of these little towns out there. It seems to me the mere statements and conclusions made by the Senator do not give the whole picture, and I am sure the Senator from Illinois wants to give the whole picture.

Mr. LUCAS. Yes; I want to give the whole picture, and I hope the minority members of the committee or any other Senators will supply any facts they consider pertinent. It is obvious that we cannot discuss fully everything contained in these hearings, because they are so long.

Mr. WHEELER. Senator LANGER testified about his whole past as attorney general. After testifying about something else, Senator LANGER said:

> Then I went down to Shields, N. Dak A man and woman, Mr. and Mrs. John Hamere, had a store, in the front part of which they had a drug store, they had a soda fountain there, and one or two other things They kept the liquor in the back of the store.
>
> This town of Shields at that time was about the toughest town in North Dakota. The sheriff did not dare go there at night It is right on the Indian reservation, right on the edge of it. Folks had been murdered there different times. The sheriff had to go in there in the daytime and clean the place up in the daytime, and the result was by going in the daytime, we would not have had as many witnesses as we would have had going in there in the nighttime.
>
> From a lawyer's standpoint the case was a little bit weak. We arrested them. They pled guilty, or we convicted them, one or the other, but anyhow, in closing the place up, I closed it all. That included, of course, the front part, including the soda fountain and a small supply of drinks that they had.
>
> The town was only a town of from 150 to 200 people. So out of a clear sky they sued me for $20,000, claiming I had stolen the drug store by locking the place up.

If one had been a prosecuting attorney out there in one of those districts near an Indian reservation some 20 or more years ago, he would know he had to deal with some pretty tough customers. Such a prosecutor would have to deal with bootleggers, rum-runners, and many other tough customers.

Mr. LUCAS. I understand that.

Mr. WHEELER. I will say candidly that if I had been a district attorney out there at that time and went into one of those places where murders had been committed I should not have waited to have obtained a search warrant; I might have gone in and closed up the place under those circumstances notwithstanding the fact that technically I should have had a search warrant before closing it up. But coming from that section of the country, and knowing something about the difficulties and troubles in getting after these bootlegging joints out at the edge of an Indian reservation, I will say that anyone who has gone through such an experience and knows something about the matter will condone many things that a sheriff or a district attorney has to do under those conditions in order to catch criminals out there.

Mr. LUCAS. Charge No. 4, in the report of the majority members of the committee, is as follows:

WHILE ATTORNEY GENERAL, RESPONDENT ARRESTED FOR INCITING A RIOT

> While the respondent was attorney general of North Dakota, he employed some 50 detectives to make prohibition raids in the city of Minot, N. Dak. The respondent, along with all the detectives, were disguised as labor men. No one knew who Senator LANGER was. They remained in Minot, N. Dak., without being identified or known for a period of 3 weeks
>
> During that time, the respondent rented three different houses. He put a colored detective in one, who was a piano player. The respondent caused a detective by the name of Moore to look at all the houses of prostitution in town on the theory that Moore was in the market to purchase one. "This is the way we gathered the evidence," said the respondent.
>
> After dividing into squads and pulling off a couple of fake raids, finally the real raid took place, and 156 were arrested and 153 convicted (See testimony, p. 486). As a result of this raid, respondent was arrested for inciting a riot.
>
> The time was on a Saturday night. The plan, according to respondent, was to keep him in jail so that he could not give bail on Sunday. Respondent further testified that Senator FRAZIER, who at that time was Governor of North Dakota, called out part of the National Guard and issued instructions to them if they came closer than 20 feet to respondent, either day or night, to shoot to kill. "For about a month more than that, day and night, I was surrounded by three men of the National Guard who were armed Finally I got bail fixed at $2,000 and was tried and acquitted."

We state here:

> The testimony disclosed in this chapter was volunteered by Senator LANGER when testifying before your committee.

Mr. BONE. Mr. President, when was this?

Mr. LUCAS. What year was that, I will ask the Senator from North Dakota?

Mr. LANGER. Nineteen hundred and seventeen. Page 486.

Mr. LUCAS. Page 486. The record speaks for itself.

Mr. HUGHES. Mr. President, will the Senator yield for a further question?

Mr. LUCAS. I yield.

Mr. HUGHES. Did not the Senator overlook the fact that the evidence shows that Senator LANGER was elected a life member of the W. C. T. U.?

Mr. LUCAS. Yes; that is in the evidence.

Mr. HUGHES. I suppose he is the only such member of that organization in the United States Senate.

Mr. LUCAS. That may be true.

Mr. President, this is testimony which was volunteered to us by the Senator from North Dakota himself. The committee's investigation did not go back to 1917, but this testimony is in the record, and it parallels other matters involved here. Therefore, the committee deemed it advisable to lay it before the Senate for whatever it was worth.

Mr. WHEELER. With respect to the matter previously referred to, is it not true that out of 153 persons arrested, 152 were convicted?

Mr. LUCAS. Yes.

Mr. WHEELER. Again, let me say to the Senator, who comes from the effete East——

Mr. LUCAS. What is that?

Mr. WHEELER. The Senator comes from the effete East—from Illinois.

Mr. LUCAS. I should like to have a construction of that statement.

Mr. WHEELER. Let me say this to the Senator. Back there in those days the town of Minot and some of those towns were pretty tough towns, notoriously so. They have greatly improved in recent years all through that section of the country.

Mr. LUCAS. The improvement even extends into Montana.

Mr. WHEELER. Yes; it even goes into Montana. I could tell the Senator some stories about that section of the country. When I was prosecuting attorney myself out there I prosecuted some of these cases.

Mr. LUCAS. The Senator is not going to take too much time?

Mr. WHEELER. No. But I wish to say this: If a prosecuting attorney went into one of those towns to arrest bootleggers and gamblers and prostitutes and "honky-tonks," he would have to take a guard with him to protect him in those days. He simply had to take a guard with him to protect his own life. The decent people of those communities were all for cleaning them up. The church people and the best people in those communities were for cleaning them up; but in many instances they were run by a tough crowd. Tough measures had to be taken to clean them up. In the early days in Montana, in order to apprehend horse thieves, we had vigilantes. They did not operate strictly according to the constitution of the State of Montana or of the United States; but for many years they were looked upon as among our leading citizens, and many of them were elected to high offices.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. CHANDLER. I wish to take issue with the statement of the Senator from Montana. I have no doubt that he knows a great deal about Montana, but I do not believe he knows any more about North Dakota than I do. The towns in North Dakota to which reference has been made were not tough 20 or 25 years ago. They were very good towns; and 25 years ago there was no more excuse in North Dakota for a prosecuting attorney breaking the law than there is for prosecuting attorneys breaking the law today. There are legitimate and legal ways to conduct raids, and there are illegal ways to do it. There is no excuse for a Commonwealth attorney, sworn to enforce the law, to override the citizens because he has the authority to do so. There is no excuse for it today and there was no excuse for it in North Dakota then.

Mr. WHEELER. Mr. President, of course the junior Senator from Kentucky knows much more about Minot, N. Dak., than I do. I have tried law suits and prosecuted cases all over that section of the country. I think I know something about Minot, N. Dak., 25 years ago. Perhaps I do not, but I think I do. Twenty-five or thirty years ago Minot, N. Dak., was one of the toughest towns of the Northwest. Some of the toughest characters in the world were congregated in towns in the Northwest. Those towns were being settled by people from Kentucky and Illinois. Many of the worst crooks in the country gathered there for the purpose of picking off the innocent farmers who came out there from Kentucky and Illinois to settle. They did pick them off. They robbed them and stole from them. They established bootlegging joints, "honky-tonks," and other such places. It required a great deal of courage to go in there and stop horse thieves, pickpockets, and other disreputable characters who congregated in those towns to rob the people who came out from the Middle West.

Mr. CHANDLER. Of course, if the Senator goes back 30 years or more he goes back before my time. I do not profess to know anything about the conditions then. A man practicing law in Montana and occasionally visiting North Dakota would not have much opportunity to know the conditions in North Dakota. I played baseball in that section of the country in the summer time, and visited all those towns. They were very good towns. Down in my part of the country if law officers should break into people's houses, close up their stores, and lock them up without warrants, many otherwise good people would become bad.

Mr. LUCAS. Mr. President, I am a little surprised at the Senator from Montana taking the position he has taken, in view of the fine work he did in breaking up the Daugherty gang some few years ago. The two positions simply are not consistent. He now says that it was all right for law officers to do what has been described, because it was done in the "wild west" country. The case of Daugherty and others was a little different. The Senator felt differently then; but he rendered magnificent service, and I am very proud of him for it.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. BARKLEY. I have heard a great deal about "honky-tonks." What is a "honky-tonk"?

Mr. WHEELER. It resembles some of the places down in the coal fields of Harlan County, Ky.

Mr. BARKLEY. The Senator from Montana is not testifying about Harlan County from ever having been there himself, is he?

Mr. WHEELER. I have only read about them.

Mr. CHANDLER. Mr. President, the Senator appears to know what a honky tonk is, so he must be from either Massachusetts or Montana. I do not know what it is. [Laughter.]

Mr. LUCAS. Mr. President, notwithstanding the defense by the Senator from Montana of lawless practices in the Northwest, I wish to read what happened in the raid to which reference has been made:

> In connection with the raid and following the arrest of the respondent for inciting a riot, he was also arrested for seizing the telephone lines
>
> Respondent claimed that the violators of law would telephone all over town the moment one raid was started and tip off all the other places. He testified on page 487 of the hearings as follows:
>
> "Well, of course, I was in that raid, and in that raid it was necessary to stop that telephone. I myself went up with three men with guns and took possession of the local telephone booth, and while we were in there the lawyer for the telephone company, Mr. L. J. Palda, got a bunch of fellows with guns to come up there and throw us out. Well, it was 54 minutes from the time we took the telephone before they got in, and by that time the raid was pretty well over and we surrendered it to them."

That was another voluntary statement on the part of the respondent.

I do not know a great deal about the Northwest. It may be necessary out there to use strong-arm methods. It may have been necessary to seize that telephone line. It may have been necessary for four men to go in there with guns and prevent the local telephone office from giving service. That may be law and order. That may be the way law is enforced in the Northwest. It is not the way we enforce it in Illinois.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHEELER. Is the Senator talking about Chicago, or Illinois. [Laughter.]

Mr. LUCAS. Of course, the Senator has been in Chicago a great many times.

Mr. WHEELER. That is correct.

Mr. LUCAS. He was there in 1940; and he was very much interested in Chicago at that time.

If he has much more to say about my State, I may have to join with him in the discussion of it in which we have been engaged two or three times on the floor of the Senate. I have learned some facts since the last time I discussed it. I should like to discuss the matter with him again some day.

Mr. WHEELER. If the Senator has any facts which he wishes to discuss on the floor of the Senate with reference to Chicago or with reference to me, I shall be glad to take up that discussion with him at any time and place he wishes.

I admit that in the early days, 25 years ago, we had some pretty tough characters in Montana; but they were never any tougher than those who have been present in Chicago for a long time. We

have never had any tougher people anywhere, even in the toughest parts of the State.

Mr. LUCAS. Mr. President, I am proud of Chicago; although I live downstate. I am proud of the State of Illinois.

Mr. WHEELER. The Senator has a reason to be. My wife comes from there, and I am proud of Illinois. It is a good State.

Mr. LUCAS. It is fortunate for the Senator that she does.

Mr. WHEELER. Undoubtedly so.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. SCHWARTZ. At the time referred to Attorney General LANGER and a large number of detectives went up to Minot to clean up the place. Incidentally, I notice that one of his men was killed before they got away. However, that is not what I wish to discuss.

Senator LANGER says, on page 486:

> Well, we drew the papers; while we were up there, during those 3 weeks, I rented at that time three differen houses.

I was wondering what was meant by the statement, "We drew the papers." What kind of papers are referred to? Were they search warrants?

Mr. LUCAS. I cannot tell. I presume so. The only thing I am discussing is this testimony of Senator LANGER himself, which is characteristic of his testimony and actions throughout. I am discussing the fact that he seized the telephone lines without any legal authority. I am discussing the Senator's own statement that he went up to the telephone station with three other men, with guns, and took over the telephone station while his detectives were making the raid. He was complaining about others violating the law. He was seeking to apprehend certain persons for violating the liquor laws, and he, himself, with three other men, all with guns in their hands, went into the telephone station and took it over. He was elected for the purpose of enforcing the prohibition laws, among others. In order to enforce the prohibition laws he, with three other armed men, took over the telephone station and would not permit a single telephone message to go through those lines while the raid was being made.

I present this case merely because Senator LANGER presented it, and because it is characteristic of his tactics in all these matters. From the time he started practicing law until 1940 he was a law unto himself. The laws of North Dakota did not mean anything to him. The evidence is full of such examples.

The Senator from Wyoming is an able man. He is a reasonable man. If he condones a thing of that kind, then I cannot agree with him.

Mr. SCHWARTZ. The examples cited are used as a basis for putting a man out of the Senate. The incident referred to happened in 1915, under a condition of armed lawlessness which existed at that time. In many other places in the West—perhaps not quite so recently—we never did have law and order until we organized vigilantes and got rid of crooks, gamblers, horse thieves, and cattle thieves.

Mr. LUCAS. I presume that those people who owned the telephone line were fairly reputable individuals.

Mr. SCHWARTZ. I agree with that; but probably the armed gang which came in a few hours later and put out Senator LANGER and the detectives were not very reputable citizens.

Mr. LUCAS. No; but they were taking back what they were entitled to in the first instance.

Mr. SCHWARTZ. I can appreciate the fact that in some communities law officers would have gone in with happy smiles and with no guns or ammunition on them. They did not go in there with the idea of shooting up the telephone facilities. They had their guns on them because they knew what kind of a gang they were up against.

Mr. LUCAS. The Senator can condone such action if he so desires. It is perfectly all right with me.

Mr. SCHWARTZ. Let me assure the Senator that I fully realize that the Senator is merely trying to develop the facts.

Mr. LUCAS. That is all.

Mr. BONE. Mr. President, may I ask for the date of this occurrence?

Mr. LUCAS. It grows out of the same incident to which reference has been made.

Mr. BONE. I should like to ask the Senator from North Dakota what year it was.

Mr. LANGER. 1917.

Mr. SCHWARTZ. The raid took place in 1915.

Mr. BONE. Were there any subsequent legal steps? Was action of any kind taken afterward?

Mr. LANGER. Yes.

Mr. WHITE. Were any legal proceedings instituted against Senator LANGER because of this incident?

Mr. LUCAS. Yes. Let me read:

> Respondent was again prosecuted, according to his testimony, by five lawyers who were hired by the telephone company. He was still the attorney general. It took some time to try the case, but once again the respondent was acquitted. But as the respondent said, "It didn't help my reputation any," and with these undisputed facts volunteered by the respondent, the committee can readily understand why it affected the respondent's reputation.

The telephone company prosecuted Senator LANGER. He was again acquitted. This is another chain in the link of circumstances to support the charge of moral turpitude over a considerable period of time until 1940. I can agree that these incidents standing alone may mean nothing; but, considered collectively, I think we shall be able to show that the chain of events is of a sufficiently substantial nature to exclude Senator LANGER.

Mr. BONE. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. BONE. I think that one of the difficulties—it is certainly one of the emotional difficulties—in this problem arises from the fact that a charge has been submitted to a court and a jury, and the court has decided that there is no basis to the charge, and that no crime has been committed. The difficulty which I know some Senators confront arises from the question whether or not, a court having passed on the matter and having found no offense committed against the law, the Senate should now deem the charge sufficiently grave to warrant thrusting a Senator from this body. The court has already passed on the matter and has said that no offense was committed against the Commonwealth in which he lived. Such a situation presents something of a problem for me or for anyone else. We attempt to take this case and the other cases and sit in judgment on them, knowing that a court, and perhaps a jury, or even the supreme court of Senator LANGER'S State, have passed judgment on them, and have said that no offense was committed against the laws of that Commonwealth.

Is it a part of our duty now to pass judgment on such matters? They are all res adjudicata by every standard that we lawyers understand. They no longer exist in contemplation of law; and yet suddenly we have these matters presented to us, although they have previously been presented to courts and juries, which have declared that there was no basis for the charges.

What is the point? Is it felt that we should undertake to try the charges again?

Mr. LUCAS. I have attempted in my limited way to tell the Senate why the charges are presented here. One after another we brought in the particular charges which we are now discussing, because they were volunteered by Senator LANGER himself in the testimony; and the majority of the members of the committee thought it advisable to lay them before the Senate and let the Senate draw its own conclusions.

So far as the argument made by the Senator from Washington with respect to res adjudicata is concerned we shall submit a brief upon that question when we reach the law of the matter. The difficulty is that many Senators are anxious to get far ahead of me in the discussion of these points. That is perfectly all right; I can understand it; but several days will be required to discuss the legal questions alone involved in this very, very important case.

I thought it was our duty to lay the questions of fact before the Senate. If they do not mean anything, all right. I did not want to take any more time than necessary. I should like to finish with the matter as soon as I can. I have a duty to perform. Whether or not one particular case may mean anything to any Senator is a question. It may not. It may mean something to another Senator.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Delaware.

Mr. HUGHES. I certainly have no intention of criticizing the Senator. I think he is attempting to do his duty, and is able to do it. His motives are always unquestioned. However, it seems to me that as he presents his case and

refers to Senator LANGER and others, unless we take it up and follow the evidence we shall more or less lose track of it. As I understand, with respect to the charge now under discussion there is no evidence except Senator LANGER'S own testimony.

Mr. LUCAS. That is correct.

Mr. HUGHES. I do not know what the junior Senator from Kentucky [Mr. CHANDLER] knows about North Dakota; but he gave it a pretty clean bill of health by saying that the statements which had been made about North Dakota were unfounded, and that it was a splendid, peaceable State. He did not use those terms, but that is the conclusion to which he would lead us. He said that the Senator from Montana [Mr. WHEELER] had made unjust criticisms about the State. The only evidence we have to depend on is the evidence of Senator LANGER. As I recollect, he spoke of having been arrested, and so forth, fixing the bail, and so forth. He said:

Then I was arrested for seizing the telephone lines. In the meantime, why, my chief man up there, Kerze Gowan, who had charge, was my right-hand man, they caught him and killed him. He never had a chance for his life at all. He was just out a little ways north of town checking up on some automobile tires. He was killed, and at the same time they killed a policeman in town who was a friend of mine, by the name of Rutherford. He helped us.

I refer to that incident as indicating to my mind that it was not a very peace-loving town and that the suggestion was made by an attorney general that it was rough and was hard to deal with.

I noticed, also, somewhere in the report of the evidence, the statement that when Senator LANGER ran for Senator the people of the State did not know of all these things, but that they have been brought out since. Yet, taking his own evidence—and we must depend on that—he says:

The trial woke up the whole neighborhood.

I suppose I should be justified in drawing the conclusion that the people of North Dakota knew all about the things which took place there and had them in mind when they voted for him as Senator.

Mr. LUCAS. Following the case of arrest for seizing the telephone lines, your committee directs the attention of the Senate to chapter 6, entitled "Respondent Calls Out National Guard and Declares Martial Law in Open Defiance of Federal and State Courts." The report states:

In 1934 respondent, along with a number of codefendants, was convicted in the Federal court of North Dakota for corruptly administering and procuring the administration of certain acts of Congress. Respondent was convicted and sentenced on June 29, 1934, to serve 18 months in the United States penitentiary and fined $10,000 as a result of the trial in question. The Circuit Court of Appeals for the Eighth Circuit, on May 7, 1935, reversed and remanded the cause for a new trial on the grounds that the evidence was insufficient to sustain the conviction.

At the time of the conviction, Ole Olson was the duly chosen Lieutenant Governor of the State. He, as Lieutenant Governor of the State, caused to be filed a proceeding for ouster with the Supreme Court of North Dakota. The court reached its decision on July 17, 1934, but did not file its ouster order until the following day. Prior to that time, on July 12, 1934, the respondent had called a special session of the legislature to meet on July 19, 1934, requesting in said call, among other things, that the legislature investigate the trial and conviction of the respondent.

Respondent also on the night of July 17, 1934, at 10:30 p. m., called a group of his friends and supporters to the Governor's office in Bismarck, N. Dak., and signed a self-styled declaration of independence for North Dakota. On page 629 of the hearings, the following colloquy took place:

"Mr. MCGUIRE. What did you mean by this declaration of independence?"

Before I read the answer I should like to have the Senate understand that the declaration of independence, signed by Senator LANGER and 8 or 10 other individuals in North Dakota who were his friends, was signed at 10:30 o'clock on the night of July 17. That was the day when the supreme court of the State was in session, and had made a decision that he should be ousted as Governor as a result of his conviction for violation of the Federal acts. The order of ouster was not entered until the following day, but the declaration of independence and the declaration of martial law for the State of North Dakota were signed practically simultaneously by the then Governor LANGER, at 10:30 on the night of July 17, the day before he was to be ousted as Governor of the State.

LANGER, in response to a question, said:

It meant when I was ousted as Governor and when the conviction was reversed there was a nucleus for going out and putting up one great, big fight to be reelected to the office of Governor of North Dakota.

He knew he was going to be ousted; but, nevertheless, he called for the declaration of independence, which I cannot construe to mean anything other than virtual secession. At any rate, he called for it after he knew he was to be ousted. He then declared martial law, after he knew he was to be ousted by the supreme court—

Senator LANGER. It meant when I was ousted as Governor and when the conviction was reversed there was a nucleus for going out and putting up one great, big fight to be reelected to the office of Governor of North Dakota. I might say that was the nucleus right there. What we started out, right after the ouster, seeing to it that I got back into the Governor's chair. I got there 2½ years after that.

That was his answer. That was the reason why he issued a declaration of martial law; that was the reason he signed the declaration of independence—to get back into the Governor's chair 2½ years later. He got there.

That is what he gave as his reason for it. Think of it!—calling for a declaration of independence, issuing a proclamation of martial law, and suspending the service of civil process, which is one of the foundation stones of all liberty. He did that for the purpose of laying the foundation to get back into the Governor's chair.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LUCAS. I will yield in a moment.

At the same time the so-called declaration of independence was issued, respondent had the audacity to declare martial law, suspending and preventing civil process, a copy of said declaration being as follows—

I want the Senate to listen to the declaration of martial law which was issued at that time. It is one of the most important documents in this case from the standpoint of what the majority of the committee is attempting to do by way of giving the Senate a full explanation of what moral turpitude really is. It is another case where the law was disregarded; the question of law and order in this particular instance, the question of attempting to follow what should have been done under the law, meant absolutely nothing to this respondent; he was going to win, regardless of how he did it. Here is the declaration:

Whereas an emergency has arisen throughout the State of North Dakota and there is imminent danger of tumult, riot, and breaches of peace throughout the State; and

Whereas there has already been called to my attention by the civil authorities that mobs are beginning to assemble, and that a mob is at present assembled at the capitol building, and peace and order is being threatened, and the situation is becoming more serious hourly; and

Whereas I believe that it is necessary to declare martial law and call out the military forces of the State in order to execute the law, suppress insurrection, and prevent rioting, and have reason to believe that unless martial law is declared there will be rioting, bloodshed, and possible loss of life:

Now, therefore, I, WILLIAM LANGER, as Governor of the State of North Dakota, by virtue of the power invested in me by the constitution of the State of North Dakota and the statutes thereof, do hereby declare martial law within the State of North Dakota, and do hereby order out the active militia, known as the National Guard, the military forces of the State of North Dakota, to suspend and prevent the service of civil process and unlawful assemblies, and prevent disorders, and carry out the purpose and intent of the proclamation and order, according to the customs and law applicable in martial law, and to carry out such further orders as may be by me issued as commander in chief of the military forces of this State.

Here is a man who with only a few hours to serve as Governor of his State, the great State of North Dakota, notwithstanding the opinion of the Senator from Montana to the contrary—not a lawless State but a State made up of good people—issues a declaration of martial law suspending civil process.

Mr. President, it is difficult for me to understand such an act. If I were Governor of a State, under those circumstances, I could not do such a thing. I would not have the audacity and temerity and the nerve, in order to prevent an ouster proceeding against me, to suspend civil process by declaration of martial law.

There cannot be found many declarations of martial law which entirely suspend civil process. Whenever civil process is suspended the foundation stones of government are undermined. When an order of that kind is issued by a Governor to prevent the serving of process upon himself in an ouster proceeding, Mr. President, a sad picture is presented to the people of this country.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. ELLENDER. I am a little confused about the statement made on page 53. Am I to understand that what caused the Supreme Court of the State of North Dakota to act was the fact that Mr. LANGER had been charged and tried and convicted before the United States Federal court?

Mr. LUCAS. That is correct.

Mr. ELLENDER. As I understand, that conviction was afterward set aside by the circuit court of appeals?

Mr. LUCAS. That is right; on May 7, 1935, it was reversed.

Mr. ELLENDER. At the time Governor LANGER had signed this order for martial law had the circuit court already acted?

Mr. LUCAS. No; it had not. This was in July 1934; the circuit court of appeals did not reverse the case until May 1935, and it was reversed at that time on the ground that the evidence was insufficient to sustain the conviction.

Mr. ELLENDER. When Governor LANGER signed this order for martial law he was, of course, still Governor?

Mr. LUCAS. Oh, yes.

Mr. ELLENDER. And the office was taken over by the Lieutenant Governor at a later date?

Mr. LUCAS. Mr. LANGER had about 30 minutes left to serve.

Mr. ELLENDER. The ouster proceedings were initiated by the Lieutenant Governor who would succeed the Governor the next day?

Mr. LUCAS. The Lieutenant Governor caused the ouster proceedings to be filed in the supreme court. The court was meeting on July 16 and 17, and the decision was handed down late that afternoon. The ouster order was not really entered until the following day, but, between the time of the filing of the decision and the actual serving of the ouster order upon the Governor, the declaration of martial law was made, as well as the declaration of independence.

Mr. ELLENDER. How was the ouster proceeding begun? Was the proceeding initiated against the Governor?

Mr. LUCAS. A proceeding was filed with the supreme court by the Lieutenant Governor, Mr. Olsen, as I understand, asking that the Governor be ousted.

Mr. ELLENDER. It appears that the judges of the supreme court at this time were against Senator LANGER? As I understood a whole ago the Senator charge that Senator LANGER had control of the courts, but evidently he did not have.

Mr. LUCAS. The Senator can bring that in, if he wants to.

Mr. ELLENDER. The Senator made the charge a while ago, and I just wanted to bring out one instance to the attention of the Senate when Mr. LANGER did not have control of the courts.

Mr. LUCAS. I thank the Senator. I know he wants to be helpful to me in this case.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. BANKHEAD. I understood the Senator to say that the declaration of martial law and the suspension of civil process was issued about 30 minutes before Mr. LANGER left the Governor's chair?

Mr. LUCAS. That was wrong; I will not say 30 minutes; I said that rather in a facetious way. The order was issued about 10:30, but the exact hour when the supreme court handed down its decision the next morning, when the ouster order was made, I am unable to state.

Mr. BANKHEAD. I have not read the record as to the reason for suspending the process such a short time before his term expired.

Mr. LUCAS. I will read it. It is in the report, and I thank the Senator for the suggestion. It is very interesting. On page 629 of the hearings the following colloquy took place in regard to mob action and the declaration of martial law. Mr. McGuire was interrogating Senator LANGER:

> Mr. MCGUIRE. There was mob action in the city of Bismarck, was there not?

This was after the declaration of martial law, which specifically stated that there were mob gatherings in various parts of the State.

> Senator LANGER. There was what?
> Mr. MCGUIRE. There was mob action; at least, there were disorders.
> Senator LANGER. There was not. There was no mob action in Bismarck.
> Mr. MCGUIRE. No disorders?
> Senator LANGER. No, sir.

On page 630 of the hearing Mr. LANGER testified:

> I might add just as soon as that was issued—

Meaning the declaration of martial law—

> I went down there and I was in the balcony. There wasn't any mob there.

Mr. President, it is rather difficult for me to understand how the Governor of the sovereign State of North Dakota could make a statement of that kind, in view of the fact that the declaration of martial law which had been issued said that mobs were forming rapidly in all parts of the State.

Mr. AIKEN. Mr. President, may I ask the Senator from Illinois a question?

Mr. LUCAS. I yield.

Mr. AIKEN. The Senator read where the Governor said there were not any mobs there. But he then goes on to say there were two or three thousand people gathered there. Was there not a possibility that they would become a mob?

Mr. LUCAS. The Senator can read that into the record, if he so desires. I am not drawing any inference as to whether there were any mobs there.

Mr. AIKEN. At the same time and Senator LANGER said two or three thousand people were gathered there.

Mr. LUCAS. The Senator is privileged to read that; I will give him the opportunity to read it into the record, if he so desires. I am taking only what the Senator said, that there was no mob there, that he went to the balcony and looked over. I do not know whether they had a meeting there of some kind, or who was responsible for it.

Mr. AIKEN. The testimony was to the following effect:

> There were perhaps 2,000 or 3,000 citizens there, who had come in from different parts of the State. I gave them a speech, and I told them that we did not want any rioting, we did not want any mob action in North Dakota. The fellows from the county came up with a band of farmers down there, what they called the Swede Township Band, and they played some music, and they also had what they called a little Dutch band that some other folks had brought in, and they played inside of the Patterson Hotel. Mr. J. K. Murray gave a speech That crowd wanted to see Mrs. Langer. Before we got through we really had a very, very great, big political meeting.

It looks to me as if possibly Governor LANGER averted mob action by making the speech he delivered to the two or three thousand people there.

Mr. LUCAS. The Senator can place any interpretation he desires upon the statement, but the mobs about which I have read never gathered with bands; they usually gathered with knives and guns and pitchforks and other weapons. They generally did not provide entertainment by bringing in all the bands they could find in the section. This was a political meeting, just as the Senator has stated, and everyone went home happy. He said there was no mob.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. BANKHEAD. I must confess that my mind is not very clear on the subject about which I inquired. It is my understanding from what has been stated that the supreme court was considering proceedings for the ejection of Governor LANGER as Governor, and that he had only a very short time to serve. Is it the Senator's theory that martial law was declared and the right of civil process was suspended by Governor LANGER in the expectation that within a few hours the supreme court would evict him?

Mr. LUCAS. That is correct.

Mr. BANKHEAD. It was a rush, was it, between the supreme court and the expiration of the Governor's term?

Mr. LUCAS. That is correct.

Mr. BANKHEAD. It is the theory that although he knew he was going out, he was trying to avoid the service of judgment by the supreme court?

Mr. LUCAS. That is correct.

Mr. BANKHEAD. Which had not been rendered, but which he anticipated?

Mr. LUCAS. That is correct.

Mr. LA FOLLETTE. Mr. President, will the Senator clear up one point for me?

Mr. LUCAS. I shall be glad to, if I can.

Mr. LA FOLLETTE. I understood the Senator to say, in response to a question propounded by the Senator from Alabama, that it was the Senator's contention that Governor LANGER issued this order creating martial law for the purpose of preventing the service of the supreme court ouster order upon himself.

Mr. LUCAS. That is my contention.

Mr. LA FOLLETTE. Then what happened? Was civil process suspended, or did the National Guard interfere, or was the Governor ousted?

Mr. LUCAS. I will come to that.

Mr. LA FOLLETTE. Pardon me; I thought the Senator had concluded upon that point.

Mr. LUCAS. I shall reach that in a moment. I read from the report:

Your committee directs the attention of the Senate to the important fact that the self-styled declaration of independence, the declaration of martial law, and the ordering out of the active militia, known as the National Guard, by the respondent, was around the hour of 10:30 p. m., on the day of July 17, 1934. This was after the Supreme Court of North Dakota had finished the 2-day session in connection with the ouster order against Senator LANGER. It was finally understood that evening that the supreme court had reached a decision that Governor LANGER should be ousted, and the next day an order of ouster was so signed.

Your committee holds that the basis for these various declarations—

Speaking of the declaration of martial law and the declaration of independence—

is not justified by any proof. The fact of the matter is that the proof, according to the respondent's own statement, as submitted above, is to the contrary.

Your committee is also tremendously concerned with that part of the declaration of martial law suspending and preventing the service of civil process. Respondent contemplated the use of military force to make effective this most extraordinary remedy. Respondent's irrational actions in his last moments as the highest public official of a sovereign State was a serious challenge to the fundamentals which nurture and protect this Republic.

Your committee considering all facts, is justified in reaching this conclusion, that the declaration of suspension and prevention of civil process was declared by the respondent for his own immediate protection. The question was squarely presented to the respondent upon cross-examination:

"Mr. McGUIRE. And you, in this calling of martial law, had suspended the civil process, had you not?

"Senator LANGER. Yes, sir.

"Mr. McGUIRE. Was it your intention to prevent the service of the ouster order upon you?

"Senator LANGER. Well, I do not know that I gave that any particular thought at that time."

With an opportunity for an unequivocal denial upon this crucial matter, respondent evaded the question.

Your committee, after a careful examination of this disgraceful episode, finds desperation in every link of this evidentiary chain. LANGER was Governor. He was a king who could do no wrong. He would defy the highest court of his State with force. Respondent throughout his career had little use for law and order, but in attempting to prevent and suspend civil process upon himself he reached the high point in his continuous belief that might is superior to right.

This strange course of conduct is justified by the respondent upon the ground that he was continuously being persecuted by his political enemies, and especially does he believe he was framed when he was convicted for conspiracy in the Federal court.

Your committee does not agree with the respondent's contention upon that question, and the upper court in remanding said cause for a new trial said nothing about this point; but if your committee did agree with that premise, it does not justify tyranny and despotism on respondent's part in recrimination. Decent and law-abiding citizens of a free nation cannot agree with such a premise and still maintain the free way of life.

Let me say to the Senator from Wisconsin that what happened in this connection was, as the evidence shows, that the following day the Senator left Bismarck, N. Dak., and went to a cabin in the woods a mile or so away. He had called out the National Guard to suspend civil process and carry out the other provisions in the declaration of martial law. However, the individual at the head of the guard, the adjutant general, whose name I have forgotten for the moment, instead of following the advice of the respondent in this case, went to a lawyer friend and laid the facts before him, and the lawyer friend told the head of the guard not to comply with the order. That is what the evidence shows. The attorney general was not consulted in the case. The attorney general was a man by the name of Strutz, as I remember, and was a friend of the respondent.

Mr. AIKEN. In reference to the statement that that is what the evidence shows, will the Senator from Illinois tell us where we will find that evidence in the hearing?

Mr. LUCAS. That is my recollection of the evidence. I cannot find the exact place, but if I am incorrect in my statement I certainly desire to be corrected. I stated it as I remember it. I might yield to the Senator from Vermont [Mr. AUSTIN] and ask if he recalls it as I have stated it?

Mr. AUSTIN. Mr. President, my recollection is the same as that of the Senator from Illinois, but I cannot at the moment give the page. I will find it, however, if the junior Senator from Vermont desires to have it.

Mr. LANGER. It is page 632.

Mr. LA FOLLETTE. If the Senator will permit me, I do not know what other testimony there may be on the point, but, insofar as Governor LANGER'S testimony is concerned, I read from page 632, where he seems to have been under cross-examination or direct examination, I do not know which, by Mr. McGuire. If the Senator will permit me, this is what appears in this connection:

Mr McGUIRE. But the order—

Referring, I assume, to the order for the creation of martial law.

But the order had not been served on you in the meantime, had it?

Senator LANGER. No; it was served the next day.

Mr. McGUIRE. The adjutant general of the State of North Dakota refused to obey this call, did he not?

Senator LANGER. No, no. The adjutant general certainly obeyed me as long as I was Governor, as long as I was acting as Governor. He telephoned, as I remember it, to Attorney Ed Conway, a fraternity brother of his, and he was advised to follow whoever the supreme court said was Governor of North Dakota, and that is what he did. He obeyed me until the supreme court said Mr. Olson was Governor, and then he obeyed Mr. Olson.

Mr. McGUIRE. So civil process was not suspended, the National Guard did not come out, and there was not civil insurrection in North Dakota?

Senator LANGER. That is right.

Mr. LUCAS. That is substantially correct. In other words, the declaration of martial law was issued and the Guard was called out upon the theory that there were mobs, that there were riots, that there were people inciting to riot, and that there was trouble throughout the State. That is what the declaration said. Who could be affected in the last few moments of the Governor's term by the suspension of civil process other than the Governor himself?

Mr. CLARK of Missouri. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. CLARK of Missouri. As I understand, these matters all took place at the conclusion of Mr. LANGER'S first term as Governor, at the time he was removed. Is that correct?

Mr. LUCAS. Not at the conclusion.

Mr. CLARK of Missouri. I mean, just before he was removed?

Mr. LUCAS. He was Governor of the State in 1934 when this happened.

Mr. CLARK of Missouri. It was his first term of service as Governor?

Mr. LUCAS. Yes.

Mr. CLARK of Missouri. These matters must all necessarily have been matters of common notoriety throughout the State, must they not?

Mr. LUCAS. There is no doubt about that.

Mr. CLARK of Missouri. Then it is a fact that Mr. LANGER was elected both Governor and Senator, in separate elections, after these matters had all occurred?

Mr. LUCAS. That is correct.

Mr. CLARK of Missouri. And they were made an issue in both campaigns, were they not?

Mr. LUCAS. I presume they were. There is not much doubt about this kind of thing being made an issue in the campaign, because it was public knowledge. There is no doubt about that at all. It is another matter which the investigators in this case did not bring forth, and the subcommittee did not bring it forth. But it was a matter brought out upon cross-examination, because the latitude was wide upon both sides, and the matter seemed to the committee to be very important.

Mr. CLARK of Missouri. Does not the Senator believe that when the people of a sovereign State of this Union have twice had the opportunity of passing on such matters as that, the statute of limitations runs?

Mr. LUCAS. I thought that in 1926 when the Senate ousted Frank Smith. The people of Illinois passed upon that issue. The Senator will recall that the Reed Committee sat here for some time, and brought in an indictment against Frank Smith, which went back to the people of Illinois in the fall, and was publicized all over the State. There was an independent candidate who ran upon that issue. Notwithstanding the fact that the people of Illinois knew all about it, they gave Frank Smith a majority of some 80,000 votes, and yet the Senate ousted Mr. Smith.

Mr. CLARK of Missouri. Mr. President, I do not wish to take up the Senator's time in argument, but it does not seem to me there is any similarity between this case and the Smith case. Frank Smith, as I had always understood, was refused the right to take the oath of office in the United States Senate on the ground that his whole election was so completely shrouded with fraud as to vitiate it, and the Senate held he had no

right to sit, because his election was founded in fraud. Then when he resigned and was appointed by the Governor and came back here, the Senate held that since he had no right to his seat in the first place, a vacancy could not be created for which the Governor could appoint him to the Senate.

Mr. LUCAS. Mr. President, the Senator's statement of facts in regard to the Smith case is incorrect. The fact is that Smith won in the primary over Senator McKinley, who was then the sitting Senator. McKinley died about a month after the primary, and Frank Smith, having defeated McKinley, was appointed by Governor Small, and came here with his credentials bona fide, but the Senate would not permit him to take the oath as a Senator because of what happened in the primary. There was no election involved in that case at all. There was only the question of moral turpitude involved. That is all one could call it. There were no election frauds of any kind or character connected with his appointment. That particular case had nothing to do with the election in the fall.

Mr. CLARK of Missouri. Mr. President——

Mr. LUCAS. The Senator is talking about the people having passed upon this issue. That is correct. The people have done so. They knew about this issue in North Dakota, the case I am discussing here. The only point of similarity I am making with the Smith case is that the people knew about the Smith case in Illinois when the people passed on it in the fall. Therefore I say, so far as the people passing on such a question is concerned, the Senate both in the Vare and the Smith cases, said, "That makes no difference. If there is corruption, if there is moral turpitude, regardless of what the people said, the integrity of the United States Senate is still involved."

Mr. CLARK of Missouri. Mr. President, will the Senator yield to me for one word more?

Mr. LUCAS. I yield.

Mr. CLARK of Missouri. The very essence of both the Smith case and the Vare case was the fact that there had been fraud, and that the whole election was surrounded by fraud; that the people had not had a fair chance to act, and that the whole business was vitiated by the general atmosphere of fraud.

Mr. LUCAS. The Senator is completely wrong about that, and I am going to discuss it later in the legal argument, because those, I repeat, are not the facts. I will discuss the Smith case at some length later.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. AIKEN. Had the people an opportunity or did they pass upon the Frank Smith case after the matter of fraud was laid before them; and, if so, in what way? Did Smith run for election again after it was brought out that he was guilty of fraud?

Mr. LUCAS. What happened in the Frank Smith case was simply this: He was chairman of the Illinois Commerce Commission in the spring of 1925 or 1926, and Samuel Insull, then the utility magnate and baron of that industry in the country, donated to the campaign manager of Frank Smith $125,000 for use in the campaign, and the manager spent it in Illinois. That was the basis for the ousting of Frank Smith, finally.

Immediately after the primary, Senator Reed was appointed as chairman of a committee to investigate elections throughout the country. He discovered what had happened in Illinois, and when that situation was discovered it was laid before the Senate. It was laid before the Senate when Frank Smith came here on the Governor's appointment within 90 days after the primary. There was no election involved at that time. It was merely an appointment, and the Senate took the position that because of the donation of $125,000, under the certain peculiar circumstances involved, the Senate would deny Smith the right to sit in the Senate, and would not permit him to take the oath. The Senate took similar action in the fall, after Frank Smith was elected by 80,000 votes in my State. The Reed report was published in the newspapers of every State in the country; everybody knew the situation; McGill ran on an independent ticket, and made it the issue, citing the Reed report day in and day out. Notwithstanding the fact that the people of my State elected Frank Smith by some 80,000 majority, and he came here with proper credentials the second time, again the Senate, after a lengthy discussion, voted to oust him.

The case of Frank Smith is probably in the annals of Senate history the most prominent one in which the people knew the facts and passed upon the case. They knew that Frank Smith had taken $125,000 from this utility magnate. Notwithstanding that, they said, "We want him to represent us"; but the Senate said, "You cannot have him here. He is tainted with corruption, with moral turpitude," and the Senate ousted him.

Mr. AIKEN. One more question. Was Smith ousted because he accepted contributions of public-utility funds for his political campaign, or was he ousted because the amount of $125,000 was considered excessive?

Mr. LUCAS. No; I do not think the question of excessiveness entered into the question at that time.

Mr. WHEELER. Oh, yes; Mr. President. The $125,000 given by the utility people was not the only question involved. I happened to be in the Senate at that time.

Mr. LUCAS. The Senator from Montana voted to oust Smith.

Mr. WHEELER. That was one of the elements that entered into the question, but it was not the only element that entered into his rejection.

Mr. LUCAS. No; I understand that. The Senate had just before that discussed the Newberry case, and had adopted a resolution.

Mr. WHEELER. The crux of the matter in the Vare case and in the other cases was the excessive use of money. They were ousted because of the excessive use of money.

Mr. LUCAS. I do not agree with the Senator on that phase of the matter. Excessive use of money was one phase of the case; but, if I have read the record correctly, the primary reason for not permitting Smith to take the oath was that at the time Frank Smith was running for the United States Senate he was chairman of the Illinois Commerce Commission, the commission which fixed the rates of all public utilities in that State; that Insull owned millions of dollars worth of public utilities, and had given $125,000 toward Smith's campaign.

Mr. WHEELER. That was one of the prime reasons, there is no question about it, but it was not the only reason.

Mr. LUCAS. No; it was not the only reason. There was involved in the case much other money which came from outside the State. Another utility man from Indiana made a contribution to him, and the Chicago and the Cook County organizations, made large contributions. Some three or four hundred thousand dollars were spent in the campaign.

Mr. WHEELER. What was involved after all was the corruption of the voters of Illinois. That was the real basis for the action.

Mr. LUCAS. Oh, no.

Mr. WHEELER. Oh, yes. When the Senator says it was not, I wish to say that I happen to know it was the reason, and Members of the Senate who were then in the Senate know that the matter involved was the corruption of the voters of Illinois generally, and the other matter was an incident.

Mr. LUCAS. If one can say that excessive use of money corrupts the elections, yes.

Mr. WHEELER. Yes.

Mr. LUCAS. But there was no particular charge of that kind in the campaign, and, whatever the charges in the campaign, the point I am making is that the people passed on the question in the fall, and said, "Regardless of that, we are going to send Smith back to the Senate," and when he came here the Senator from Montana [Mr. WHEELER] and many other Senators said, "You cannot stay."

Mr. WHEELER. That is correct.

Mr. LUCAS. And they voted to oust Smith.

Mr. AIKEN. Then, may I ask, if the Senator from North Dakota, for instance, had accepted contributions of $10,000 or $50,000 or $100,000 of public-utility funds, would that have contributed to his moral turpitude?

Mr. LUCAS. Oh, that is so far away from the question I am discussing that I do not even care to answer it at all. That is not the point at all.

Mr. BONE. May I inquire of the Senator from North Dakota if the private power companies have been active in politics in that State?

Mr. LANGER. What is the question?

Mr. BONE. Have the private power companies been active in North Dakota in State politics?

Mr. LANGER. Yes; they have.

Mr. BONE. It would be a most astounding thing if they have not, but I should like to have that made clear.

Mr. LUCAS. I now invite attention to chapter VII of the committee's report, as follows:

VII

RESPONDENT'S SECOND CONSPIRACY TRIAL PAYMENT OF MONEY TO CHET LEEDOM, JAMES MULLOY, AND GALE B. WYMAN IN CONNECTION WITH THE TRIAL OF CASE

Following the reversal of the conspiracy case against the respondent by the circuit court of appeals, an affidavit of prejudice was sworn to by WILLIAM LANGER and others against Judge Andrew Miller, who was the presiding judge in the original conspiracy case wherein the respondent was convicted.

The affidavit of prejudice so signed by the respondent was made the basis for an indictment of perjury against respondent and three other defendants, all of whom had signed said affidavit

The evidence further shows that Judge A. K. Gardner on October 2, 1935, who was at that time acting senior judge of the circuit court, assigned Federal Judge A. Lee Wyman, of South Dakota, to retry the charges against the respondent and other defendants.

Upon the announcement that Judge A. Lee Wyman had been assigned to try the second conspiracy case, the evidence shows that respondent and one James Mulloy, secretary of the Industrial Commission of North Dakota, and the respondent's close and intimate friend, had a conference in the capitol for the purpose of discussing the strategy to be used in the respondent's defense.

The respondent testified before the committee that James Mulloy had told him he knew a man down in South Dakota by the name of Chet Leedom, in whom Judge Wyman had confidence. After some discussion between the two, it was agreed that Leedom should be contacted for the purpose of employing him in the case. There is a discrepancy in the testimony between the respondent and Mulloy as to just what Chet Leedom was hired to do but, irrespective of who is correct, respondent's action was reprehensible Respondent says in his testimony on page 543 of the hearings that—

"He wanted someone who would be watching the marshal's office and the clerk's office and that if he saw someone tampering with the jury or going in with the jury, it would have to be somebody that the judge had confidence in in case we made a complaint Not just any Tom, Dick, or Harry, or any detective, but it had to be someLody the judge knew. Mr. Mulloy told me Leedom had Judge Wyman's confidence and if he said there was something wrong, some tampering, the judge would believe him.

Upon that basis the respondent says he told Mulloy to go down to South Dakota and see if he could employ Chet Leedom. The testimony of Mulloy before the investigators and the committee is at a variance with the statement made by the respondent. Mulloy testified that he discussed with the respondent the appointment of Lee Wyman as the Federal judge to try the case against respondent, and Chet Leedom's close connection with Judge Wyman. Mulloy testified that there were several meetings and talks with Governor LANGER about this matter. Mulloy advised respondent that Leedom was responsible for the making of Lee Wyman a Federal judge and there is corroborating evidence to support that contention. At least, Leedom was one of the main cogs in the South Dakota political machine at that time, as well as being a close friend and neighbor of Judge Wyman.

It was agreed, so Mulloy testified, that he would attempt to locate Leedom, with the view of meeting him thereafter for an interview in order that this entire matter might be laid before him. Following that, Governor LANGER and Mulloy drove to Mandan, N. Dak., where a long-distance telephone call was made to Leedom. They located him in Deadwood, S. Dak., and after that conversation and a few preliminary arrangements between Frank A. Vogel, the respondent, and Mulloy, the latter left that night in a car belonging to Frank A. Vogel, one of the codefendants in said conspiracy case, and arrived the following day at Deadwood, S. Dak.

The evidence further discloses that Mulloy met Leedom at the Franklin Hotel in Deadwood, and that they both agreed in that conversation that "LANGER had to be saved." Mulloy requested Chet Leedom to return with him to Bismarck, N. Dak., the next day for the purpose of working out some financial arrangements for his services with the respondent. After Mulloy and Leedom returned to Bismarck, they met the respondent at an eating place known as the Sweet Shoppe. At that meeting, no specific amount, according to Mulloy was to be paid Leedom, but the understanding was that Leedom was to be paid well for his services.

The evidence further shows that Leedom came to North Dakota 1 week before the second conspiracy trial began and remained there approximately 3 weeks until the trial was over; that during that time Leedom represented himself to be a newspaper reporter, and, according to Judge A. Lee Wyman's testimony before the investigators, Leedom was brought to the judge's room by Bert Calkin, the judge's secretary, the second day after the judge arrived, and at that time Leedom told Judge Wyman he was there to cover the trial for the farm holiday paper, and presented a credential card purported to be signed by Milo Reno, who at that time was the leading spirit in the farm holiday movement and Farmers' Union.

The judge further testified that Leedom was in his room at the hotel with his secretary upon one other occasion, and that he saw him at various times in the lobby of the hotel. The judge further testified before the investigators as follows:

"At no time did Chet Leedom or any other person seek to influence me in my conduct at either of the trials which I presided over in North Dakota."

There is a further discrepancy in the testimony between respondent and Mulloy as to the total amount paid Leedom as well as the manner in which it was paid. Mulloy testified positively that most of the money Leedom received for his services, whatever they might have been, was paid by respondent through Mulloy, and that the total amount was, to wit, $1,700 or $1,800 Mulloy also testified that much of this money was paid in $100 bills. With respect to this important phase of the moral-turpitude charge, we find the respondent disagreeing with Mulloy.

Respondent states, on page 545 of the hearing, that he paid Chet Leedom for his services in connection with the second conspiracy trial somewhere between $700 and $800, and no part of this amount was paid with bills of $100 denomination, and that some of it was paid direct to Leedom and some of it was paid through the intermediary Mulloy.

Your committee reaches a very definite conclusion in connection with this testimony, which is most unfavorable to the respondent. There is no question about the employment of Chet Leedom. There is no question about his being in Bismarck before and during the trial for a period of 3 weeks. There is no question about his constant association with the respondent and Mulloy during this time. There is no question but what Leedom was paid at least $700 or $800 by the respondent for doing some kind of service for the respondent in the conspiracy trial. If the testimony of Mulloy is true, Chet Leedom received between $1,700 and $1,800, including the $500 for Wyman, for the peculiar and special service rendered to respondent in said cause.

Regardless of whether it was $1,700 or $1,800; regardless of whether it was $700 or $800, in the first place it is difficult for me to understand why anyone should have to hire detectives to watch the court and jurors. Such a thing is not done in my section of the country. It may be that I am so unfamiliar with the Northwest that I cannot appreciate what they do out there; but, even if it were true, Mr. President, that it was necessary to hire a detective, or two detectives, to watch the court, and to have someone whom the court knew report to the court so that the court would believe what he said and the defendant would obtain a fair trial—even if it were necessary to obtain a man of that type to do that kind of work, for the length of time Mr. Mulloy was working on that case, for some 3 weeks of detective services of that kind, $1,700 or $1,800 is a great deal of money in Illinois, to say nothing of what it might be in North Dakota; $1,700 or $1,800, as testified by Mr. Mulloy, is a great deal of money to be paid for that kind of service. I was a prosecuting attorney for some 4 years, and I could hire the best detectives in Chicago, Springfield, or St. Louis, Mo., for $25 a day and expenses.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Montana.

Mr. WHEELER. I have not read the record, and I am not familiar with it. What was this man supposed to do? Was he supposed to watch the jury to see that nobody tampered with the jury?

Mr. LUCAS. That is correct. To save the Senator's time, let me read what Senator LANGER said as to why he hired this man. Senator LANGER testified that—

He wanted someone who would be watching the marshal's office and the clerk's office, and that if he saw someone tampering with the jury or going in with the jury, it would have to be somebody that the judge had confidence in in case we made a complaint Not just any Tom, Dick, or Harry, or any detective, but it had to be somebody the judge knew.

Mr. Mulloy told me Leedom had Judge Wyman's confidence, and if he said there was something wrong, some tampering, the judge would believe him.

Mr. WHEELER. I understood the Senator to say a moment ago that he did not know of any place where it was necessary to hire detectives to watch the court or to watch the jurors. He certainly is mistaken about that. I prosecuted cases in Montana in which we not only had one detective but several Government detectives watching to see that nobody got to the jurors to "fix" them. I venture the assertion that the Government of the United States, in every important case it tries, not only has detectives, but first checks up on the jurors to find out something about them, and then checks up very carefully during the trial, if the jury is at large, to see that nothing is done to tamper with the jury. Such is the practice not only in North Dakota, but in Chicago. It is the practice in Boston, New York, and every other large city in the United States. If the Government of the United States did not follow that practice, it would be completely derelict in its duty in the prosecution of cases.

Mr. LUCAS. Let me ask the Senator what such detectives do. What did the

detectives do in the cases to which the Senator has referred, when he hired them?

Mr. WHEELER. They watched the jurors.

Mr. LUCAS. Did not the Senator have confidence in the jurors who were selected?

Mr. WHEELER. I can cite many instances in which jurors have been "fixed."

Mr. LUCAS. I should like to know of a case of that kind. There has been none in my experience.

Mr. WHEELER. The Senator is not so innocent——

Mr. LUCAS. Neither am I so bold as to admit that I know instances in which juries have been fixed.

Mr. WHEELER. I prosecuted two prominent lawyers in my State for tampering with juries. They were convicted, and the case went to the Supreme Court of the United States, where the conviction was upheld. They were fined $500 each. The Senator has lived in and near Chicago long enough so that he is not merely a babe in arms.

Mr. LUCAS. I have not been a babe in arms since I have been associated with the Senator. I have learned much since I have been here.

Mr. WHEELER. The Government of the United States would be derelict in its duty in any important case it tried if it did not watch the jury when the jury is at large. Why do courts lock up juries? When I was prosecuting cases I frequently asked the court to lock up a jury so that during the trial no influence could be brought to bear. Courts lock up juries in Chicago. If there is one place in the world where that should be done it is in Chicago. [Laughter.]

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. LUCAS. In just a moment.

Mr. ELLENDER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Illinois yield, and, if so, to whom?

Mr. LUCAS. No; I do not yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LUCAS. The Senator from Montana [Mr. WHEELER] can smear Chicago all he pleases——

Mr. WHEELER. I am not smearing Chicago; I am just stating the facts.

Mr. LUCAS. Yes; the Senator has smeared Chicago. He has the right to do so if he chooses; he can do all the smearing he wants to do, and the Senator can tell us of his wide experience out in the Northwest in employing detectives to help watch juries in which he did not have any confidence, after he had helped select them. He can call me a "babe in the woods"; and perhaps I was such until I came here and met the Senator. In the 3 years I have been here I have learned many things from the Senator.

Mr. WHEELER. I can say that I have learned a great deal from the Senator from Illinois.

Mr. LUCAS. Not very much. I have learned a great deal since I have been here, but before coming here I learned from my experience in handling prosecutions in courts of law. However, I have not yet known of any case—and I have tried many of them—in which a lawyer employed detectives to watch a jury and to report to the court on what the jury did.

I yield to the Senator from Vermont.

Mr. AUSTIN. I desire to say only that I never was a witness to any such thing as has just been described, and I never saw any such thing in my life. But I am a student of jurisprudence, and I have great respect for the highest court in the land. I know that the highest court in the land which I respect as the highest court in all the world, holds definitely that such espionage upon officers of the court constitutes an obstruction to the due administration of justice. The Supreme Court of the United States so held in the case of *Sinclair* v. *United States* (279 U. S. 765).

Mr. LUCAS. I thank the Senator for his contribution; that has been my understanding of the law, as the Senator explained it. The Senator from Montana, coming from the wild section of the Northwest from which he hails, and giving the northwestern country of the early days, and even of later times, the type of reputation he has given it here this afternoon, tries to compare Chicago with his section, after indicting his own section from every angle, and after saying "Yes; this is what they have to do in those Indian countries; they have to break into drug stores." He practically says that the country there is so rough and tough that before the officers of the law would have time to get a warrant and legally raid a drug store, in accordance with the provisions of the constitution, someone might shoot them while they were attempting to have the warrant issued.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Kentucky.

Mr. CHANDLER. The Senator from Montana has indicted the people of his own section of the country and the people of my section and the people of the Senator's section. I have no great reputation as a barrister, although I have a license to practice law and have practiced law, and have practiced in the criminal courts. We do not watch the juries in my section of the country. We do not employ anyone to watch them. In all the years that I practiced law there—and that is now 20 years, with the exception of the time I have been in public office—I do not recall that anyone has ever been charged with tampering with a jury or with seeking to corrupt a jury. If that is done out in Montana because it is rough and wild and wooly, let the Senator say it. But let him not attack the rest of us; because such things are not done in our States.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHEELER. Let me say that I am not smearing the city of Chicago by what I have said about the people of Montana or North Dakota or any other State. I am willing to stand on what I have said. I say to the Senate that the good people of Montana and the good people of North Dakota and of some of the other States out there could not have law and order because of certain types of citizens who came there in the early days. That section of the country was wild and woolly, and every decent man and woman in those States knows it; and if they were here they would verify what I am saying.

What I have said is that the Government of the United States checks up on practically every important case it tries. It has its men check up on the venire when a case is called, and they get a list of the businesses of those persons, what they stand for, what their connections are, and everything else. Then the Government has its men present to check up on the jury during the trial of the case. That has been repeatedly done; I venture the assertion that it is being done today, and I say that the Government of the United States would not be doing its full duty, and the prosecutors would not be doing their full duty if they did not have someone watching to see that there was no tampering with juries.

Mr. LUCAS. Well, I prefer to rely upon the Supreme Court.

Mr. WHEELER. The Senator can rely upon the Supreme Court if he chooses to do so. I am saying what is done as a practical matter. Senators who have been lawyers have tried cases against big corporations, and I have tried many such cases. Is there any Senator here who does not know that the great corporations and the railroads of the country check up on jurors and bring pressure to bear when it is possible to do so? I have tried enough cases to know that they do that. It is all right to stand on the floor of the Senate and say what the Supreme Court has done and what it has not done, but everyone who has tried personal injury cases or other cases against great corporations knows that they do have detectives checking up on jurors, and knows that in the past they have been convicted of tampering with juries.

Here was a political fight, and one of the bitterest political fights that ever has taken place in the history of any State of the Union; a man was being tried, and Government money had been freely spent out there to "get something on him"; thousands and thousands of dollars had been spent.

Mr. LUCAS. I will not yield further for a discussion of subject matter that is not in the record.

Mr. WHEELER. So far as I am concerned I should say that he had a perfectly legitimate right to see that someone was not tampering with a jury by which he would be tried.

Mr. LUCAS. Mr. President, I can understand how the Senator feels the way he does about the matter. That is the type of argument he has made all afternoon. But it is not the type of argument that he made a few years ago on this same Senate floor when some individuals were doing something to the Government that they should not have been doing. He bases his argument and his conclusions upon the fact that in North Dakota there were certain political turmoils and squabbles. I contend that the Senate of the United States should not base its decision upon such matters. In other

words, my position from the beginning has been that the facts should speak for themselves. An argument that political enemies were spending thousands of dollars and the Federal Government was spending thousands of dollars in order to get Senator LANGER is without any foundation so far as this record is concerned.

That is the very thing the Senator from Montana is inclined to do; when he makes an argument he is liable to stray away from the facts, and to become involved in the indictment of individuals upon facts which are not based upon the record. There is not one scintilla of evidence in this record to show that the Federal Government ever spent $10,000 or any other sum of money in attempting to prosecute the individual whose case is now before the Senate.

Mr. President, it is nearly 5 o'clock, and I should like to suspend the presentation soon.

Mr. BARKLEY. I shall be glad to have the Senator suspend at this time.

UNIFICATION OF ARMED FORCES

Mr. LA FOLLETTE. Mr. President, ever since the disaster at Pearl Harbor and the report of the Roberts committee, it has been my firm conviction that the Senate of the United States should not permit the matter to rest, but that the appropriate committees of this body should make a full investigation in order to ascertain whether there is any necessity for action by Congress, which is charged under the Constitution with the sole duty and responsibility of providing the rules for the government of the armed forces of the United States. It has always seemed to me, Mr. President, that we cannot escape responsibilities if in the future any further disasters occur which may be occasioned because the rules, or the laws in other words, which we have laid down for the government of the armed forces of the United States are obsolete.

In the March 14, 1942, issue of Collier's magazine there appears an article by Gen. Johnson Hagood, United States Army, retired, entitled "Unify Our Fighting Forces." I do not know, concerning General Hagood's standing, other than that, so far as I am informed, he is a respected retired officer and had a brilliant record while in the service. I should like to read a paragraph or two from the article, in the hope that it may attract the attention of the appropriate committees of the Senate and of Members of the Senate.

The opening paragraph begins with the following words:

Whatever may have been the shortcomings of the admiral and the general at Pearl Harbor, whatever may have been the treachery of the Japanese, we must not overlook the fact that we invited it all by our total lack of a definite line of authority and responsibility in our system of defense, beginning in Washington and extending down to every naval base and fortified harbor, at home and abroad.

If the naval bases at New York, Norfolk, San Francisco, or Bremerton were attacked today, as at Pearl Harbor, there would be no one man in charge of the combined land, naval, and air forces to whom an order could be issued to resist this attack, and there would be no one man in the United States short of the President who could issue such an order.

And even if some one man were assigned to that duty, as at Hawaii since Pearl Harbor, he would have supreme control only in actual battle; plans and preparations for defense would be made by a complicated organization in Washington, over which he or the Navy would have no control whatever.

Listen to this:

Military secrets are mainly secrets from the American people. We fool one another but we do not fool the enemy. The Japanese knew that we had no inner patrol at Pearl Harbor, but Admiral Kimmel did not know it. The Japanese knew that we had no outer patrol, but General Short did not know it. The Japanese high command knew that the army watch was to be relieved at 7 o'clock on the fatal morning of December 7 but the American high command in Washington did not know it.

Now mark this:

There were six different agencies in charge of one phase or another of the Pearl Harbor defenses, and each of these agencies received its order from a different source. The Army alone received orders from several different sources.

Mr. President, insofar as the law governing the armed forces and their organization in the United States is concerned, Congress is responsible, under the Constitution, and I say that, in the face of this article by an officer who, as I understand, served with distinction in the Army, although he is now retired, it seems to me it would be a fatal mistake for Congress to rest upon the feeling that the report of the Roberts Commission, and the court martial of General Short and Admiral Kimmel at some time in the distant future, will absolve it of responsibility.

I hope that the appropriate committees of this body will inquire into this matter, and will ascertain whether the statements and charges by General Hagood as to the complicated overlapping and obsolete character of the laws governing the organization of our armed forces are correct. He says further:

The Army alone received orders from several different sources:

First. Under the law—act of April 30, 1900—the Governor of the Territory is charged with the defense of the Hawaiian Islands It is provided by law that in case of invasion, or a threat of invasion, the Governor is empowered to declare martial law, to turn out the militia, and to call upon the commanders of the Army and Navy, in the Hawaiian Islands, to assist him in defeating the enemy.

You might say that this law was obsolete and that no one pays any attention to laws these days anyway. But still, in the identical orders sent to the admiral and to the general, they were directed to do nothing contrary to law, and this presupposes upon their part a knowledge of the statutes of the United States and of the laws of the Territory of Hawaii It places upon them the responsibility for arriving independently at decisions as to which laws to obey and which laws to disregard.

Second. The commanding general of the Hawaiian Department was charged by the War Department with certain responsibilities in the matter of defense. This responsibility did not cover the whole field. There were overlappings and gaps.

Third. The local commander of the Army air forces had certain authority and responsibility for defense which came to him directly from Washington and not through the department commander.

Fourth. The admiral at Pearl Harbor had certain authority and responsibility which he got from the Navy Department, which overlapped some of that given to the commanding general of the Hawaiian Department by the War Department.

Fifth. There were certain authorities in the matter of counterespionage and sabotage placed by the Federal Bureau of Investigation in its local representative in Honolulu.

Sixth. There was an organization for civilian defense presumably getting instructions from the mayor of New York and the wife of the President of the United States.

All of these agencies were in the main cooperative, but were in fact competing, one with the other, each trying to magnify and expand the field of its own operations at the expense of the others. The subsequent assignment of Admiral Nimitz to command both Army and Navy in Hawaii is only a step in the right direction.

EVERY MAN FOR HIMSELF

In the War Department there are the chiefs of branches—Cavalry, Field Artillery, Coast Artillery, and Infantry—who, besides the Air Corps and the Chemical Warfare Service, were strongly competing as to their relative importance in the national defense. The officers of these several arms serving in the Hawaiian Department have looked beyond their immediate commanders and have striven for the favor of their respective chiefs of branches in Washington, well knowing that it is they, and not their transient military commanders in the field, who hold the fate of their future.

There can be no doubt that during the past 20 years infantry officers in the Hawaiian Department have been much more interested in developing a good infantry division than they have been in the defense of Pearl Harbor.

Mr. President, I am a layman, I have never served upon either the Committee on Military Affairs or the Committee on Naval Affairs of this body, but I nevertheless feel a share of responsibility for the statutes which we have enacted, or the changes which we may have failed to make. I do not know whether the statements made by General Hagood are supported by the facts, but I assume that a man with his past experience would not in a publication make these statements unless he believed them to be true.

I certainly think they put every Member of this body, and in particular I think they put the Committee on Military Affairs and the Committee on Naval Affairs of this body, on notice that they should, either jointly or severally, conduct a thorough inquiry into the "rules for the government and regulation of the land and naval forces" of the United States, to employ the term in the Constitution, to ascertain whether or not there is any necessity for action on our part to modernize and to streamline our organization in the critical situation which confronts this country.

Mr. HILL. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. HILL. I have not had the pleasure of reading the article to which the Senator refers. Necessarily, I suppose, the article was written perhaps a month ago; and that is no criticism of General Hagood. I imagine any article which was to appear in a magazine of this character would have to be written sometime

in advance of its publication. Let me say to the Senator that last Friday the Senate Committee on Military Affairs held a hearing.

We had some half a dozen officers from the War Department before us on this very matter of reorganization, this very matter, as the Senator so well uses the term, of streamlining the War Department. I think I can say to the Senator—and I believe the distinguished senior Senator from Vermont [Mr. AUSTIN] will confirm the statement—that much has been done in the reorganization of the Army to streamline and to modernize it.

General Hagood refers to the fact that some officers in Hawaii perhaps had more loyalty to the chiefs of their particular branches, whether it happened to be the chief of infantry, or the chief of artillery, than to the defense of Hawaii itself. I might say that in that particular, by Executive order of the President, acting under the War Powers Act passed by the Congress, there are no longer any chiefs of the different branches. There is no longer a chief of infantry, a chief of artillery, or chief of any other branch. We now have the Army of the United States, with the General Staff, that General Staff being composed almost equally of men from the ground forces and men from the air forces, the air forces being given practically equal representation with the ground forces in this general or over-all staff.

Under that General Staff we have the three divisions of the Army, the ground forces under one commander, the air forces under another commander, and the service of supply under another commander, and of course, from the very name "Service of Supply," it can be readily understood that its business is to supply both the ground forces and the air forces. There has been a very decided, a very marked step taken in the reorganization of the Army toward its modernization and streamlining.

I will say to the Senator that I imagine it would have been impossible for General Hagood to have known of that reorganization at the time the article was written, because I am sure the article had to be written at least a little while in advance of its publication.

Let me say another thing, if the Senator will yield further.

Mr. LA FOLLETTE. I yield.

Mr. HILL. It is my understanding that it is the intention of the chairman of the Senate Committee on Military Affairs, and of the members of the committee, to have meetings frequently, to inquire into these very questions. I think the distinguished Senator from Texas [Mr. CONNALLY], the chairman of the Committee on Foreign Affairs, has set a very fine example in that respect. I think that committee meets at least once a week to go into questions of foreign affairs, questions affecting the State Department, which might call for legislation to be initiated by the Foreign Affairs Committee. It is my understanding that the chairman of the Military Affairs Committee intends to follow that example, and at frequent intervals call witnesses from the War Department to see what is being done.

This is the first great step, and I think everyone who sat in the Committee on Military Affairs last Friday morning was deeply impressed with the thought that it was an important forward movement looking toward the modernization and streamlining of our Army.

I will go further and say that I think we have taken a very fine step, so far as the Army is concerned, in having this over-all staff composed equally of air and ground men. What was done when that staff was created was to recognize that air power constitutes what has been called, and aptly called, a third dimension. We have three dimensions—the ground, the air, and the sea. Under the War Department, under the reorganization, the air dimension is given equal representation and an equal place with the ground and sea dimensions.

I think we ought to go one step further, I will say to the Senator from Wisconsin. We ought to have an over-all staff to determine the grand strategy and grand policy for all three of these dimensions, taking the Navy along with the air and the ground forces.

Mr. LA FOLLETTE. Mr. President, I commend the Senator from Alabama, and I think he is correct in his statement that in all probability the article was written before the Executive order, to which the Senator refers, was issued, and of course I know it was written before the Senate Committee on Military Affairs met last Friday. Let me say, however, that I hope the Senate Military Affairs Committee will not rest upon the order which has been issued, because, as the Senator well knows, under pressure certain changes can be ordered without actually effecting them. There must be a change in mental attitude as well as a change in paper organization.

In the second place, I hope there can be some meeting between the Military Affairs Committee, or a subcommittee thereof, and the Naval Affairs Committee, or a subcommittee thereof, for, as the Senator from Alabama well knows, in the kind of war in which we are now engaged there is a question not only of reorganization of the two main branches of our armed forces, namely, the Army and the Navy, but the necessity of bringing about some sort of actual and effective cooperation and coordination of action and command.

Mr. HILL. Mr. President, will the Senator again yield?

Mr. LA FOLLETTE. I yield.

Mr. HILL. That was the very reason I said I favor an over-all staff of all three of these dimensions. I think we ought to have an over-all staff, with an officer as chief of that staff—I care not whether he happens to be an air man, or a ground man, or a water man—who will require and enforce proper coordination, and who will even go further and see that in certain places there shall be proper integration.

We have to fight the war with all our armed forces as one great machine, a machine composed of air power, land power, and sea power. In my opinion the only way to concentrate all that power in the best possible way is with an over-all staff to plan the grand strategy and the grand policy for all three arms. In each and every theater of operations there should be a supreme commander, whether he be an air man, a land man, or a sea man. There should be one supreme commander to make the decisions, and to issue orders for all the troops, ground, air, and sea, within a particular theater of operations.

Mr. LA FOLLETTE. Mr. President, I know the Senator has given great study to the subject, because he has served with distinction on the Military Affairs Committee of the House and, of course, on the Military Affairs Committee of the Senate; but, making all due allowances for the fact that General Hagood's article was written before some of the more recent developments, I still contend that it is worthy of careful scrutiny and attention by every Senator. I do not know enough about it to pass judgment upon it; but I shall ask that the draft of the bill which he suggests to carry out his ideas be incorporated in the RECORD in connection with my remarks. I am not endorsing it, but I say, as one Member of this body, that I feel we have some responsibility. We cannot pass all these matters over to the executive arm of the Government, because under the Constitution we are charged with responsibility for the rules governing the armed forces of the United States.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. AUSTIN. I think the remarks made by the Senator from Wisconsin are timely, and no matter whether the article may have been written 20 days or more ago, it, too, is timely. It comes after the Executive has reorganized the land forces. That was a necessary step leading up to the unified command spoken of by General Hagood, of land and water. There are some things that must be clarified, such as that mine laying, which one would naturally think belongs to the Navy, really does not. It is under the command of the land forces. One can imagine the conflict which that naturally creates. Then there is what the Senator from Wisconsin has observed, something which is intangible and cannot be written into law, but which, it seems to me, should be recognized, namely, that the staff, that the head having authority, could cultivate that which we may call morale for the lack of a better word. At the present time we sense a feeling of at least competition between the commands, and between the enlisted men and the sailors, and it ought not to exist, except in a sportsmanlike manner. It ought not to exist in a serious way. How to overcome that condition is a problem, indeed; but I think the people of the country are thinking along the line—and it is a pretty well informed opinion, too— that we should unify all these commands permanently, and that we should not find ourselves obliged to make rules of the game on the field of battle alone.

Mr. LA FOLLETTE. Mr. President, I thank the Senator for his observations. Among other reasons I have for feeling this matter is of such great urgency is that, in my opinion, every possible step

should be taken in advance of unnecessary sacrifice of the lives of American boys. While Congress, of course, in these matters must take expert advice, I think there has existed a situation in the Army and in the Navy, and there exists a situation by reason of their being now separate entities, which requires, if anything effective is to be done, the injection of a third party, so to speak, who is sympathetic, who desires to bring about only constructive results. As I view the matter, the Congress can certainly play that role and, I think, play it in sympathy with the Army and the Navy, and achieve something constructive for the people of the country and for the armed services themselves.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to my colleague.

Mr. WILEY. I thank my colleague for giving me an opportunity to enter this very illuminating debate.

I have only one suggestion to make. Contrary to what would ordinarily be good policy, I take a page out of Hitler's book. What did Hitler do? When he came into power he saw the very situation which has been so dramatically brought to our attention at Pearl Harbor. There was a lack of cohesion, a lack of cooperation. He sensed it. I will say to my colleague that he found out the imperative need of having men who are not merely navy-minded, army-minded, or air-minded. What did he do? He took 200 of the finest young men he could find, who he thought were going to be the generals in this war, and, contrary to the military machine of his day he put them into the Navy for a year. He took Army men and put them into the Navy to make them navy-conscious. After they had completed their course in the Navy he took them out of the Navy and put them into the Air Corps. It was not orthodox, but he sensed what we now feel, that men who have training along certain lines, such as the Army, the Navy, or the Air Corps, become exponents of a segment of the whole, whereas we need men in positions of command who do not lean toward one angle or the other but who see the whole problem from the perspective of the Army, the Navy, and the Air Corps.

I do not know whether such a plan would work now; but if we could take 200 young commanders out of the Navy and put them into the Army, and 200 young majors or colonels out of the Army and put them into the Navy, and work them through so that they would have an overall picture of what is needed in this country, it seems to me that such a plan would help considerably.

I thank my colleague for this opportunity.

Mr. GERRY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Rhode Island.

Mr. GERRY. The Senator has made a very good point, which is fundamentally sound. There ought to be better cooperation between the Army and Navy in working out a defense program. Sometime ago I introduced a bill, which was referred to the Naval Affairs Committee, in regard to laying mines. An investigation of the coast defense of my State showed that the Navy Department and the War Department both had authority to lay mines. It seemed to me that that was not a very sound procedure. I understand that the Army and the Navy are trying to work out the problem. Mine laying in the Army relates practically only to mines which are laid immediately offshore. Probably when mine laying was begun back in the time of the Civil War it did not extend for any great distance at sea, but when we consider the mine-laying activities which the Navy conducts today, and the great mine-laying work which the Navy did in the last war, when it mined the North Sea, closing the submarine campaign and bringing about the mutiny of Wilhelmshaven, we obtain a picture of how vast the program may be.

There is no question that fundamentally mine-laying activities belong to the Navy. The Coast Guard might lay mines along the coast. However, in time of war the Coast Guard goes into the Navy. If there is any question about the Army laying mines—and I understand it lays very few—there is no question that there should be close cooperation between the Army and the Navy. Eventually we must come to a very close organization.

The point which I raise is not very large. I bring it out in line with the necessity for cooperation, which I am sure can be worked out in many fields.

Mr. LA FOLLETTE. I thank the Senator. I wish to hasten on, because I do not wish to delay the Senate much longer. I shall try to conclude in a very few moments. I continue reading from the article by General Hagood:

The first plan of defense for the Hawaiian Islands, other than the seacoast defense, was drawn by the Morrison Board. Many years later I asked General Morrison if he was satisfied with the plans of his board. His answer was, "It was the best we could do under the restrictions placed upon us by the War Department." I was present when these restrictions were made and I, therefore, understood.

I asked the department commander in Honolulu, Gen. W. H. Carter, what he thought of the Morrison plan. His reply was that it was not a plan to defend Pearl Harbor, it was a plan to keep the city of Honolulu and the Army from being captured. "A better plan," said he, "would be to take the Army back to the United States."

I went over the lines with the engineer officer, Colonel Bromwell, who did the work. He pointed out to me that the plan did not include the naval fuel supply but that he had moved things over a little so as to bring the naval installations 15 yards inside the lines.

That was the beginning. It has been that way more or less ever since.

Generals and admirals in Hawaii before Short or Kimmel have quarreled over the instructions received from their different bosses in Washington, and have found that the easiest way was to keep to themselves.

It was the same in the Philippine Islands. The Navy established a base and put a drydock at the Olongapo although the Army said it could not be defended. The Army planned to put a coal pile for the Navy on the tail of Corregidor but the Navy said they would not use it. The Army planned to seize all the shipping in Manila Bay at the outbreak of war in order to send its supplies to Corregidor. The Navy planned to destroy all this shipping to keep it from falling into the hands of the enemy. As far back as 1914, under the orders of the department commander, I was trying to organize joint Army and Navy exercises to test the strength of Corregidor and Bataan. The admiral of the fleet told me that the Navy Department would not allow him to participate in these exercises because it might be offensive to Japan.

One of the most distinguished generals ever in the Philippines was on very bad terms with one of the most distinguished admirals. They refused to accept each other's dinner invitations. And the general refused point-blank to do something that he was asked to do by the Governor General.

During the past few months I asked an officer connected with antiaircraft training if he got any cooperation from the Air Corps and he replied in the negative. I asked who towed the target for antiaircraft practice and he replied that no one did; that they had authority to hire a civilian plane to fly so many hours a week.

It has been that way, more or less, for the past 20 years, and the answer has always been that the Air Corps did not have enough planes for its own purpose and had none to spare for the coast artillery.

Adherents of the Air Corps have spread the news that the Air Corps alone could prevent an invasion of the United States without any assistance from the Navy or from the rest of the Army. Navy boosters have said that they could do the job alone. And the friends of the doughboys have said that, after all, it is the bayonet.

This war has shown the Air Corps to be the supreme arm in modern operations, but it could never prevail without the support of the other branches. There must be complete and selfless coordination of the land, sea, and air by a common superior.

I have had cooperative conferences with naval coastal commanders; but I have never seen or heard of a maneuver or of an exercise in the United States in which the forces of the land, the sea, and the air were combined to resist invasion. Some such exercises were conducted in the Hawaiian Islands, and I am told by Army and Navy officers on the spot that they developed the same weaknesses that led to the Hawaiian disaster, but nothing was ever done about it. The recent grand maneuvers in the Carolinas were organized on the basis that the Navy, the coast defenses, and the offshore air patrol had been destroyed or eluded and that the enemy was strongly entrenched in this country as in the Revolution and in the War of 1812.

REGULATIONS THAT NOBODY KNOWS

The Roberts report makes public a number of orders and instructions issued by the War and Navy Departments to the general and the admiral in Hawaii, which if read in the glare of hindsight make it appear that these two officials were delinquent.

The layman does not know that the War Department issues tons of orders and instructions in the name of the Secretary of War or the Chief of Staff, which neither of these two gentlemen has ever seen. Nor does the layman know that generals away from Washington receive thousands of orders and instructions that they never read. The standing orders and regulations for the training, administration, and supply of the Army contain more words, and are scattered over more space, than the revised statutes of the United States. No one has ever read them all.

Within the past 10 months I have asked a high-ranking general in the War Department how he could get by the President's Army regulations in doing certain things connected with the emergency that preceded the war. His reply was that he paid no attention to regulations.

The chief of staff of the corps area pointed to a file of papers on his desk, and he said to

me, "I read the telegrams, but I do not read the letters."

The Adjutant General of the Army said to me a few years ago: "If you should send me a telegram requesting immediate action upon any important matter I could not get the answer back to you within 48 hours, perhaps a week, because there would be too many people to be consulted."

The Roberts report says, in effect, that the orders received by the military authorities in Hawaii were not interpreted to mean that war was imminent.

Why should orders have to be interpreted? Why can't they be written in plain language that an ordinary man of average intelligence can understand?

It is an old joke in the Army that the General Staff issues orders and then sends them down to the Judge Advocate to find out what they mean. Almost every important order issued by the War Department is subsequently followed by an interpretation. In one case within the last 2 years, a War Department order contained its own interpretation, one paragraph stating that the preceding paragraph was interpreted to mean so and so.

The Army has adopted a stilted form of expression that no ordinary civilian stenographer could take down in shorthand, or could transcribe into an acceptable order or letter.

A stop watch is known as a time-interval recorder. A gray woolen undershirt is called a shirt under wool gray or some such combination as that, and if you ask for it by the wrong name you won't get it. If a young and inexperienced medical officer, at an isolated camp puts in a sick and wounded report indicating that Bill Jones was born in Philadelphia, Pa., it will go back to him inviting his attention to a regulation that says it must be Penn., or vice versa.

Mr. BONE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BONE. Does General Hagood suggest any sort of formula that Congress could write that would not be longer than corpus juris that would really lay out an understandable program for a group that does those things?

Mr. LA FOLLETTE. I am merely citing this statement in the hope that it will provoke some discussion and some inquiry predicated entirely upon constructive grounds and designed to bring about constructive results.

The article continues:

When I was a general at Camp Eustis, Va., I asked one of the Assistant Chiefs of Staff in Washington to tell me what was meant by a certain order that I knew he had written. His answer was that it was his job to write orders and my job to interpret them. I was perfectly certain then, as I am now, that he had not visualized the situation out in the field and could not have executed his own order in my place.

The War Department is filled to overflowing with good men—as good as any that could be found in the world, but these men are shoved into jobs they know nothing about—civilians with civilian assistants commanding the Army, line men doing staff work, and staff men doing line work. General Harbord, second to Pershing in France, said in his book that during the World War there was a certain general staff officer running the transportation business who did not know any more about transportation than the casual passenger on a Pullman car. No Secretary of War has ever served long enough to understand the War Department, or to say yes or no to any question without advice.

Mr. President, I ask that the article, as well as the draft of the bill which appears on page 19 of this issue of the magazine, be printed in full at the conclusion of my remarks.

There being no objection, the article and proposed bill were ordered to be printed in the RECORD, as follows:

[From Collier's for March 14, 1942]

Whatever may have been the shortcomings of the admiral and the general at Pearl Harbor, whatever may have been the treachery of the Japanese, we must not overlook the fact that we invited it all by our total lack of a definite line of authority and responsibility in our system of defense, beginning in Washington and extending down to every naval base and fortified harbor, at home and abroad.

If the naval bases at New York, Norfolk, San Francisco, or Bremerton were attacked today, as at Pearl Harbor, there would be no one man in charge of the combined land, naval and air forces to whom an order could be issued to resist this attack, and there would be no one man in the United States short of the President who could issue such an order. And even if some one man were assigned to that duty, as at Hawaii since Pearl Harbor, he would have supreme control only in actual battle; plans and preparations for defense would be made by a complicated organization in Washington, over which he or the Navy would have no control whatever.

Military secrets are mainly secrets from the American people. We fool one another but we do not fool the enemy. The Japanese knew that we had no inner patrol at Pearl Harbor, but Admiral Kimmel did not know it. The Japanese knew that we had no outer patrol, but General Short did not know it. The Japanese high command knew that the Army watch was to be relieved at 7 o'clock on the fatal morning of December 7, but the American high command in Washington did not know it.

There were six different agencies in charge of one phase or another of the Pearl Harbor defenses, and each of these agencies received its orders from a different source. The Army alone received orders from several different sources:

First. Under the law—act of April 30, 1900—the Governor of the Territory is charged with the defense of the Hawaiian Islands. It is provided by law that in case of invasion, or a threat of invasion, the Governor is empowered to declare martial law, to turn out the militia, and to call upon the commanders of the Army and Navy in the Hawaiian Islands to assist him in defeating the enemy.

You might say that this law was obsolete and that no one pays any attention to laws these days anyway. But still, in the identical orders sent to the admiral and to the general, they were directed to do nothing contrary to law, and this presupposes upon their part a knowledge of the statutes of the United States and of the laws of the Territory of Hawaii. It places upon them the responsibility for arriving independently at decisions as to which laws to obey and which laws to disregard.

Second. The commanding general of the Hawaiian Department was charged by the War Department with certain responsibilities in the matter of defense. This responsibility did not cover the whole field. There were overlappings and gaps.

Third. The local commander of the Army air forces had certain authority and responsibility for defense which came to him directly from Washington and not through the department commander.

Fourth. The admiral at Pearl Harbor had certain authority and responsibility, which he got from the Navy Department, which overlapped some of that given to the commanding general of the Hawaiian Department by the War Department.

Fifth. There were certain authorities in the matter of counterespionage and sabotage placed by the Federal Bureau of Investigation in its local representative in Honolulu.

Sixth. There was an organization for civilian defense presumably getting instructions from the mayor of New York and the wife of the President of the United States.

All of these agencies were in the main cooperative, but were in fact competing, one with the other, each trying to magnify and expand the field of its own operations at the expense of the others. The subsequent assignment of Admiral Nimitz to command both Army and Navy in Hawaii is only a step in the right direction.

EVERY MAN FOR HIMSELF

In the War Department there are the chiefs of branches—Cavalry, Field Artillery, Coast Artillery and Infantry—who, besides the Air Corps and the Chemical Warfare Service, were strongly competing as to their relative importance in the National Defense. The officers of these several arms, serving in the Hawaiian Department have looked beyond their immediate commanders and have striven for the favor of their respective chiefs of branches in Washington, well knowing that it is they and not their transient military commanders in the field who hold the fate of their future.

There can be no doubt that during the past 20 years infantry officers in the Hawaiian Department have been much more interested in developing a good infantry division than they have been in the defense of Pearl Harbor.

The first plan of defense for the Hawaiian Islands, other than the seacoast defense, was drawn by the Morrison Board. Many years later I asked General Morrison if he was satisfied with the plans of his board. His answer was, "It was the best we could do under the restrictions placed upon us by the War Department." I was present when these restrictions were made and I therefore understood.

I asked the department commander in Honolulu, General W. H. Carter, what he thought of the Morrison plan. His reply was that it was not a plan to defend Pearl Harbor, it was a plan to keep the city of Honolulu and the Army from being captured. "A better plan," said he, "would be to take the Army back to the United States."

I went over the lines with the Engineer officer, Colonel Bromwell, who did the work. He pointed out to me that the plan did not include the naval fuel supply but that he had moved things over a little so as to bring the naval installations 15 yards inside the lines.

That was the beginning. It has been that way more or less ever since.

Generals and admirals in Hawaii before Short or Kimmel have quarreled over the instructions received from their different bosses in Washington, and have found that the easiest way was to keep to themselves.

It was the same in the Philippine Islands. The Navy established a base and put a drydock at the Olongapo although the Army said it could not be defended. The Army planned to put a coal pile for the Navy on the tail of Corregidor but the Navy said they would not use it. The Army planned to seize all the shipping in Manilla Bay at the outbreak of war in order to send its supplies to Corregidor. The Navy planned to destroy all this shipping to keep it from falling into the hands of the enemy. As far back as 1914, under the orders of the department commander, I was trying to organize joint Army and Navy exercises to test the strength of Corregidor and Bataan. The admiral of the fleet told me that the Navy Department would not allow him to participate in these exercises because it might be offensive to Japan.

One of the most distinguished generals ever in the Philippines was on very bad terms with one of the most distinguished admirals. They refused to accept each other's dinner invitations. And the general refused point-

blank to do something that he was asked to do by the Governor General.

During the past few months I asked an officer connected with antiaircraft training if he got any cooperation from the Air Corps and he replied in the negative. I asked who towed the target for antiaircraft practice and he replied that no one did; that they had authority to hire a civilian plane to fly so many hours a week.

It has been that way, more or less, for the past 20 years, and the answer has always been that the Air Corps did not have enough planes for its own purpose and had none to spare for the Coast Artillery.

Adherents of the Air Corps have spread the news that the Air Corps alone could prevent an invasion of the United States without any assistance from the Navy or from the rest of the Army. The Navy boosters have said that they could do the job alone. And the friends of the doughboys have said that, after all, it is the bayonet.

This war has shown the Air Corps to be the supreme arm in modern operations, but it could never prevail without the support of the other branches. There must be complete and selfless coordination of the land, sea, and air by a common superior.

I have had cooperative conferences with naval coastal commanders; but I have never seen or heard of a maneuver or of an exercise in the United States in which the forces of the land, the sea, and the air were combined to resist invasion. Some such exercises were conducted in the Hawaiian Islands, and I am told by Army and Navy officers on the spot that they developed the same weaknesses that led to the Hawaiian disaster, but nothing was ever done about it. The recent grand maneuvers in the Carolinas were organized on the basis that the Navy, the coast defenses, and the offshore air patrol had been destroyed or eluded and that the enemy was strongly entrenched in this country as in the Revolution and in the War of 1812.

REGULATIONS THAT NOBODY KNOWS

The Roberts report makes public a number of orders and instructions issued by the War and Navy Departments to the general and the admiral in Hawaii, which if read in the glare of hindsight make it appear that these two officials were delinquent.

The layman does not know that the War Department issues tons of orders and instructions, in the name of the Secretary of War or the Chief of Staff, which neither of these two gentlemen has ever seen. Nor does the layman know that generals away from Washington receive thousands of orders and instructions that they never read. The standing orders and regulations for the training, administration, and supply of the Army contain more words and are scattered over more space than the Revised Statutes of the United States. No one has ever read them all.

Within the past 10 months I have asked a high-ranking general in the War Department how he could get by the President's Army Regulations in doing certain things connected with the emergency that preceded the war. His reply was that he paid no attention to regulations.

The Chief of Staff of the Corps Area pointed to a file of papers on his desk and he said to me, "I read the telegrams but I do not read the letters."

The Adjutant General of the Army said to me a few years ago: "If you should send me a telegram requesting immediate action upon any important matter I could not get the answer back to you within 48 hours, perhaps a week, because there would be too many people to be consulted."

The Roberts report says, in effect, that the orders received by the military authorities in Hawaii were not interpreted to mean that war was imminent.

Why should orders have to be interpreted? Why can't they be written in plain language that an ordinary man of average intelligence can understand?

It is an old joke in the Army that the General Staff issues orders and then sends them down to the Judge Advocate to find out what they mean. Almost every important order issued by the War Department is subsequently followed by an interpretation. In one case within the last 2 years, a War Department order contained its own interpretation, one paragraph stating that the preceding paragraph was interpreted to mean so and so.

The Army has adopted a stilted form of expression that no ordinary civilian stenographer could take down in shorthand, or could transcribe into an acceptable order or letter. A stop watch is known as a time-interval recorder. A gray woolen undershirt is called a shirt under wool gray or some such combination as that, and if you ask for it by the wrong name you won't get it. If a young and inexperienced medical officer, at an isolated camp, puts in a sick and wounded report indicating that Bill Jones was born in Philadelphia, Pa., it will go back to him inviting his attention to a regulation that says it must be Penn., or vice versa.

When I was a general at Camp Eustis, Va., I asked one of the Assistant Chiefs of Staff in Washington to tell me what was meant by a certain order that I knew he had written. His answer was that it was his job to write orders and my job to interpret them. I was perfectly certain then, as I am now, that he had not visualized the situation out in the field and could not have executed his own order in my place.

The War Department is filled to overflowing with good men—as good as any that could be found in the world, but these men are shoved into jobs they know nothing about—civilians with civilian assistants commanding the Army, line men doing staff work, and staff men doing line work. General Harbord, second to Pershing in France, said in his book that during the World War there was a certain General Staff officer running the transportation business who did not know any more about transportation than the casual passenger on a Pullman car. No Secretary of War has ever served long enough to understand the War Department, or to say yes or no to any question without advice.

In the case of the seacoast defenses, or what is known now under the resounding title of the coastal frontier, a president of the Army War College (an infantry officer) said to me, "The permanent fortifications are finished—you must depend upon the mobile artillery." Another infantry officer, president of the Army War College, and afterward Chief of Staff, said that the coast artillery got too much of the Army's money, got all the best stations in time of peace, and too many of the best commissions in time of war. He prepared a bill to make it unlawful for a coast artillery officer or soldier to serve with mobile troops in time of war, but it did not prevent mobile Army generals from commanding great coastal frontiers.

Our present system of seacoast defense was laid out by the Endicott Board in 1886. Great progress was made for 25 years but after that the whole schedule was stalled, largely because of the jealousies of the mobile arms—the infantry, the cavalry, and the field artillery, all of which I have commanded for years, and which I love.

Men, women, and children of the Coast Artillery for years have been chided with not belonging to the Army. The plan I advocate here will be to turn the Coast Artillery over to the Navy. A hundred thousand men, or two hundred thousand, at most, could do the job. The marines know the taste and feel of salt water. They are self-contained and can provide themselves with food, shelter, or clothing. The Navy cannot defend itself in port any more than a horse could run a race in a stable. But the Navy can control the marines, and the marines can defend the Navy.

The Army, relieved of all responsibility for the static defense of the ports, as Pershing's army was in France, could then be organized into proper, tactical units, and the War Department, now a fifty-year patchwork of error, mutual mistrust and jealousy, could be reorganized along functional lines, with competent men in every branch, to wit: Tactics, Supply, and Administration, with the Air Corps and the National Guard standing by as special services, each requiring special organization.

This was the plan that met the unanimous approval of Pershing's "War Department in France," organized at Tours with General J. G. Harbord (afterward president, Radio Corporation of America) in command, and with this writer as his Chief of Staff. That is the way it was visualized and urged for adoption in October of 1918, by the men then bearing upon their shoulders the heavy responsibility for victory or defeat. It was a plan equally acceptable to Harbord's General Staff, to big businessmen like Atterbury, of the Pennsylvania Railroad; Dawes, our General Purchasing Agent (afterward Vice President); Lord, afterward Director of the Budget; Wood, afterward president of Sears, Roebuck; and to the best that the Army could provide as the Chiefs of Services in Washington after the war—Rogers, the Quartermaster General; Williams, the Chief of Ordnance; Jadwin, the Chief of Engineers; Ireland, the Surgeon General; Hull, the Judge Advocate; and Bash, our Adjutant General who was afterward the Quartermaster General.

On page 19 of this issue of Collier's is a prescription for the cure of this dreadful confusion.

Be it enacted, etc.—

SECTION 1. That the War and Navy Departments are hereby combined into a single department to be known as the Department of National Defense; and hereafter there shall be a Minister of Defense, who under the direction of the President shall have supervision and control of the land, the naval, and the air forces of the United States.

SEC. 2. Command of the Navy: The Navy shall be commanded by a naval officer who shall have the rank and title of the Admiral of the Navy. The offices of Secretary of the Navy, Under Secretary of the Navy, and all Assistant Secretaries of the Navy are hereby abolished and the duties thereof transferred to the Admiral of the Navy, with the exception of such duties of a civil or of a political nature as may, in the discretion of the President, be transferred to the Minister of Defense.

SEC. 3. The seacoast fortifications: The seacoast fortifications are hereby transferred to the Navy. The President is directed to establish fortified areas, which shall include the Hawaiian Islands, the Canal Zone, all fortified harbors and naval bases in the United States and the waters adjacent thereto, and all fortified harbors and naval bases beyond the seas owned or leased by the United States. All such fortified areas shall be under the command of the Admiral of the Navy, and the troops for the defense thereof shall be provided by the Marine Corps. And if at any time the troops of the Marine Corps are not sufficient for that purpose, the President shall detach from the Army, and attach to the Marine Corps, such number of troops as may be necessary: *Provided,* That the command, administration, and supply of the troops of the fortified areas shall remain with the Marine Corps under the direction of the Admiral of the Navy: *And provided,* That the President may, in his discretion, transfer qualified officers, warrant officers, and enlisted men of the Army to the Navy and to the Marine Corps, without loss of rank.

SEC. 4. The Commandant of the Marine Corps shall have the rank of general, and there shall be added to the Marine Corps such

number of generals, lieutenant generals, and other officers, warrant officers, and enlisted men, as may, in the discretion of the Admiral of the Navy, be necessary to meet the present emergency.

SEC. 5. Command of the Army: The Army shall be commanded by an Army officer who shall have the rank and title of the General of the Army The offices of Secretary of War, Under Secretary of War, and of all Assistant Secretaries of War are hereby abolished and the duties thereof transferred to the General of the Army, with the exception of such duties of a civil or a political nature as may, in the discretion of the President, be transferred to the Minister of Defense.

SEC. 6. Consolidation of the Army: The Army shall hereafter consist of the General of the Army, the General Staff, the line, the Air Corps, and the Staff.

SEC. 7. The General Staff: The General Staff shall consist of the Director General of Tactics, the Commissary General of Supply, The Adjutant General, the Chief of the Air Corps, and the Chief of the National Guard Bureau, together with such number of directors of tactics, supply officers, and adjutants as the General of the Army may deem necessary for service at corps area or department headquarters, or in the field. The Director General of Tactics, the Commissary General of Supply, and The Adjutant General shall have the rank of lieutenant general. The Chief of the Air Corps shall have the rank of general. The Chief of the National Guard Bureau and all other officers of the General Staff shall have the rank of their grades as now provided by law.

SEC. 8. The director general of tactics, under the direction of the general of the Army, shall have charge of military intelligence and war plans, and supervision over the training and combat of all troops except those of the Air Corps, and he may have as his assistants such inspectors of Cavalry, Artillery, Infantry, and other arms, as the general of the Army may direct; provided that nothing in this act nor any other act shall relieve the commanders in the field of their responsibility for the training and combat of the troops under their command.

SEC. 9. The commissary general of supply, under the direction of the general of the Army, shall have supervision and control of the supply of the Army, and over all supply departments and agencies thereof, except as otherwise provided for the Air Corps. He shall have as his principal assistants and advisers the chiefs of all supply departments and agencies of the Army, to wit: the General Purchasing Agent, the Quartermaster General, the Chief of Ordnance, the Chief of Engineers, the Director of Transportation, the Surgeon General, and the Chief of Finance, whose duties shall be redistributed and assigned as the general of the Army may direct.

SEC. 10. The Adjutant General, under the direction of the general of the Army, shall have charge of the correspondence, orders, and records of the Army, the procurement of men, including promotion, transfer, and assignment, military discipline, and police. He shall have as his principal assistants and advisers, The Assistant Adjutant General, the Judge Advocate General, the Inspector General, the Provost Marshal, and the Chief Chaplain, whose duties shall be redistributed and assigned as the general of the Army may direct.

SEC. 11. The Chief of the Air Corps, under the direction of the general of the Army, shall have command of the air forces of the Army, and shall have charge of their training, administration, and supply, and their combat except as may be otherwise assigned by the general of the Army to commanders in the field.

SEC. 12. The Chief of the National Guard Bureau, under the direction of the General of the Army, shall have such duties as are now prescribed by law.

SEC. 13 Reduction of the War Department: The following officers are abolished, and their present duties and incumbents shall be distributed among the other arms and services, without loss of rank or pay, as the General of the Army may direct, to wit: The Chief of Staff together with his deputies and assistants, the Chief of Cavalry, the Chief of Field Artillery, the Chief of Coast Artillery, the Chief of Infantry, the Chief Signal Officer, and the Chief of the Chemical Warfare Service.

SEC. 14. The line of the Army: The Cavalry, the Field Artillery, the Coast Artillery, and the Infantry are hereby abolished as separate arms, and shall hereafter constitute a single force, which together with such other troops as may be temporarily attached thereto, shall be known as the line of the Army, and shall be assigned to duty as the General of the Army may direct. During the present emergency, it shall include such generals, lieutenant generals, and other officers as may be nominated by the President and confirmed by the Senate.

SEC. 15. The staff: The staff of the Army shall consist of all officers, warrant officers, and enlisted men, and of all departments and agencies of the Army, now or hereafter authorized by law, other than the General of the Army, the General Staff, and the line as provided by sections 5, 7, and 14 of this act, except those of the Air Corps.

SEC. 16. All acts contrary to the provisions of this act are hereby repealed: *Provided*, That during the period of transition, the President, in his discretion, may temporarily continue such offices, departments, and agencies, and may establish such rules for the government and regulation of the land, the naval, and the air forces as he may deem expedient in the execution of this act.

Mr. LA FOLLETTE. Mr. President, I apologize to the Senate for having detained it so late in the day.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. DOXEY in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations and a convention, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

FEDERAL RESERVE SYSTEM

The legislative clerk read the nomination of R. M. Evans to be a member of the Board of Governors of the Federal Reserve System.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

COLLECTOR OF CUSTOMS

The legislative clerk read the nomination of William Jennings Bryan, Jr., to be collector of customs for customs collection district No. 27.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Callis H. Atkins, to be assistant sanitary engineer in the United States Public Health Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the Executive Calendar.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations this day confirmed.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 37 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 10, 1942, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate March 9 (legislative day of March 5), 1942:

UNITED STATES ATTORNEYS

Daniel B. Shields, of Utah, to be United States attorney for the district of Utah. Mr. Shields is now serving in this office under an appointment which expired February 1, 1942.

James O. Carr, of North Carolina, to be United States attorney for the eastern district of North Carolina. Mr. Carr is now serving in this office under an appointment which expired March 4, 1942.

Philip F. Herrick, of Puerto Rico, to be United States attorney for Puerto Rico, vice Hon. A. Cecil Snyder, resigned.

UNITED STATES MARSHAL

Gilbert Mecham, of Utah, to be United States marshal for the district of Utah. Mr. Mecham is now serving in this office under an appointment which expired February 1, 1942.

COAST AND GEODETIC SURVEY

The following-named employees of the Coast and Geodetic Survey to be aide, with rank of ensign, in the Coast and Geodetic Survey:

Edward G. Cunney	V. Ralph Sobieralski
Robert H. Randall, Jr.	Raymond M. Stone
G. Albion Smith	Lorin F. Woodcock

CONFIRMATIONS

Executive nominations confirmed by the Senate March 9 (legislative day of March 5), 1942:

FEDERAL RESERVE SYSTEM

R. M. Evans to be a member of the Board of Governors of the Federal Reserve System.

COLLECTOR OF CUSTOMS

William Jennings Bryan, Jr., to be collector of customs for customs collection district No. 27, with headquarters at Los Angeles, Calif.

UNITED STATES PUBLIC HEALTH SERVICE

Callis H. Atkins to be an assistant sanitary engineer in the United States Public Health Service.

POSTMASTERS

TEXAS

Merle L. Alexander, Allred.
Sallie C. Milburn, Bryson.
Jesse C. Estlack, Clarendon.
John S. Cochran, Coahoma.
Aubrey I. Chapman, Columbus.
Virgil E. Wootton, Hunt.
Harley Arnold, Maud.
William G Abernathy, Palo Pinto.
Cora Anderson, South Houston.
Simon D. Hay, Sudan.
James R. Oliver, Wells.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 9, 1942

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art perfect in love, purity, and power, we thank Thee that Thy providence abides through every change. Pity us if from our hearts no prayers arise and no thanks are returned for the bounties which Thou dost bestow upon us. Have mercy upon us if we fail to give out charity and sympathy and are unmindful that religion and morality are the dominant supports of our country Blessed Lord, we would know that the fadeless virtues are those we contribute in self-forgetting service for God and native land.

Heavenly Father, we earnestly pray for our own America that in this hour she may break every chain of earthly indulgence, of vain ambition, and of callous indifference as becomes a free Christian people. Forgive us our pride, our vaunted boasting, and bring all men to their intelligence, to their self-control, that the spirit of unity and the desire to serve shall become imperative and the doorway of hope shall be thrown wider and wider to all men. Oh, let us lay aside every weight and the sin that doth so easily beset us and let us run with patience the race that is set before us.

"Lord God of hosts, be with us yet,
Lest we forget, lest we forget."

Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Saturday, March 7, 1942, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries.

EXTENSION OF REMARKS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD, and to include therewith an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE HOLDING COMPANY ACT

Mr. PADDOCK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to extend my remarks.

The SPEAKER. Without objection, it is so ordered.

Mr. PADDOCK. Mr. Speaker, I am today introducing a bill authorizing the Securities and Exchange Commission to suspend during the existing emergency the so-called death-sentence provisions of the Public Utilities Holding Company Act.

This is desirable legislation for several important reasons, and since it authorizes without compelling the suspension of the death-sentence provisions, there is no possibility of harmful results.

These provisions, if rigidly enforced, would force the public sale, under present adverse conditions, of numerous utility operating companies. Such sales would necessarily be at distress prices, resulting in excessive and unjust losses to the many thousands of investors, including large numbers of persons of small means who own stock in the holding companies now owning these properties. There is no good reason for Congress to create such losses.

Another strong argument against compelling these sales of operating-company stocks at bargain-counter prices is the resultant damage to market values of other operating-company stocks. Whenever a stock of a well-known company is marked down excessively the stocks of similar companies inevitably suffer.

A third and equally forcible argument against forcing the immediate sale of these operating-company stocks under the death-sentence requirements is that public funds would be absorbed which could find much better employment in Government bonds or other investments really needed in our war activities.

I believe that this authorization to the Securities and Exchange Commission will enable that body to act wisely and helpfully in the existing emergency.

[Text of bill as introduced on March 9, 1942. Referred to Committee on Interstate and Foreign Commerce. By Mr. PADDOCK]

Be it enacted, etc., That, notwithstanding the provisions of section 11 of the Public Utility Holding Company Act of 1935 (which requires the taking of action to bring about the simplification of public-utility holding-company systems), the Securities and Exchange Commission is hereby authorized to suspend the exercise of its functions and duties under such section to such extent as, in its judgment, will be not inconsistent with the public interest.

PERMISSION TO ADDRESS THE HOUSE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include excerpts from two newspapers.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

[Mr. SMITH of Washington addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. MANSFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from Judge R. V. Fletcher, vice president and general counsel of the Association of American Railroads.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE DIES COMMITTEE

Mr. ELIOT of Massachusetts. I have two requests to submit: First, to extend my remarks in the Appendix of the RECORD and include certain editorials; and, second, to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ELIOT of Massachusetts. Mr. Speaker, I read from the printed copy of the hearings before the Rules Committee, February 11, 1942, at page 47:

Mr. DIES. * * * Do you know that Hitler and the Nazi government filed a protest with the Department of State against the Dies committee, asking for its discontinuance? That was comparatively recent.

And on page 48:

Mr. DIES. The Government of Germany protested against the work of the Dies committee, asking for its discontinuance before we became involved in war.

I now read from a letter sent to me by Sumner Welles, Acting Secretary of State, on February 24, 1942:

With reference to the question contained in the postscript of your letter, whether the German Government protested to our Government against the activities of the Dies committee and requested its discontinuance, the Department has been unable to find any record of such a protest.

Let us never forget that the chairman of the Dies committee is the man who is so frequently and so favorably quoted on the propaganda broadcasts of our deadly enemies.

Mr. RANKIN of Mississippi. Mr. Speaker, will the gentleman yield?

Mr. ELIOT of Massachusetts. I yield.

Mr. RANKIN of Mississippi. Does not the gentleman believe that Hitler would like to have the Dies committee abolished?

Mr. ELIOT of Massachusetts. Replying to the gentleman, I may say that the Nazi propaganda broadcasts quote the gentleman from Texas favorably and frequently.

Mr. Speaker, I yield back the balance of my time.

EXTENSION OF REMARKS

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include an editorial on Government press agents.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(Mr. CLEVENGER asked and was given permission to extend his own remarks in the Appendix of the RECORD.)

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an editorial; and also I ask unanimous consent to delete a part or all of the remarks I made on March 2.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. McGEHEE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. McGEHEE addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. PAGÁN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include excerpts from editorials.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a letter from a constituent.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. SNYDER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix and include excerpts from a broadcast by H. V. Kaltenborn on March 1, 1942.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

WISCONSIN FARMERS SPEAK

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. STEVENSON]?

There was no objection.

Mr. STEVENSON. Mr. Speaker, I receive many letters from my farmer constituents giving vent to their feelings in reference to what is going on in the Nation. I want to read one of these letters:

HOLLANDALE, WIS.

Hon. WILLIAM H. STEVENSON,
Congressman, Third Wisconsin District, Washington, D. C.

DEAR SIR: I should like to know why—with the so-called shortage of milk, and other dairy products—why should milk take a 15-cent drop per hundredweight just as soon as the farmers get a few pounds to sell. I have not noticed any drop in prices on anything we have to buy with the proceeds from the milk And also eggs are going down, with a supposed shortage of eggs, and the hatcheries starting to use millions of eggs for hatching of baby chicks.

I think it would be all right to look into these matters. It don't seem right that farmers should be asked to produce more, with less help to do it with, and have to take less and less for products especially asked to step up production on, while the Congressmen vote themselves a pension. Why not the farmers a pension also, who have always footed the bills can go hang.

You don't dare to read this on the floor of Congress.

Yours truly,

OSCAR C. STINER.

EXTENSION OF REMARKS

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short article on How Oregon Women Mobolize, by Mrs. Saidie Orr Dunbar, appearing in the Oregon Journal on February 26, this year.

The SPEAKER. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

Mr. MICHENER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. MICHENER]?

There was no objection.

ATTEMPT TO BRING HARRY BRIDGES TO JUSTICE THWARTED

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. LELAND M. FORD]?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, for the past 2½ or 3 years there have been many attempts to bring Harry Bridges to justice. There seems to be some mysterious hold that he has on influential sources that protects him, regardless of what he may do.

All Members of this House certainly are familiar with this case and they showed what they thought of it by their overwhelming vote. In a finding of facts, the only man ever qualified to hear such facts found Bridges guilty. He was again whitewashed by subordinate employees, who might have been subject to pressure. To the defenders of Bridges, whoever they may be, I am saying this, that Bridges is more dangerous today, during war period, than he was in peace.

I have been endeavoring since January 16 to get a hearing on my Resolution No. 401, pertaining to Bridges, from the Rules Committee. Despite the fact that some 10 members of this committee have indicated to me they would be glad to give me a hearing, on account of the personal opinion of the chairman this hearing has not been called.

The chairman assumes a great deal when he undertakes, if he does, to act for the other members on that committee. The chairman is either right or wrong in denying me this hearing. If he is right in his all-out knowledge that he should personally decide all these things, then this country can save a great deal of money by sending the other 434 Congressmen home.

If he is wrong, this hearing should be granted.

THE RULES COMMITTEE

Mr. SABATH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. SABATH]?

There was no objection.

Mr. SABATH. Mr. Speaker, answering the gentleman from California, may I say that I do not set myself above the House or the membership thereof. Every Member outside of the gentleman from California knows that I have complied with all requests for hearings which are possible. Unfortunately he wants a committee appointed to investigate conditions which have had the attention of our courts and departments for the last 2 years. I would be only too pleased to give him a hearing, but the committee has over 40 different resolutions pending now that were introduced before his.

The gentleman is not satisfied with making the attacks on me here in the House. On February 11 he addressed a letter to me complaining that, although some members of the Rules Committee agreed that he be given a hearing, I refused to do so, and quoted my letter of January 17 stating "that he would be heard as soon as hearings on other resolutions were concluded." But even before I had a chance to read his letter I read the same in the Chicago Tribune, which is always pleased to criticize.

A few days ago he again called and threatened to take the matter up on the floor of the House, to which I answered that it was satisfactory to me, that all I desired was to be notified when he does. I leave it to the House whether there is any justification for his complaint as to my refusal to grant a hearing for creating another committee to investigate the proceedings and activities regarding the deportation of Harry Bridges.

I wish to add that this is the second time during my chairmanship where a complaint has been lodged against my refusal to grant hearings. Personally I feel that if I should act and report all resolutions for creating committees, the House could be kept busy. But as I recognize many of these resolutions are introduced only for effect, I am obliged to use my judgment in saving the time of the House and also of the Members from a multiplicity of such resolutions.

I am confident that no Member will arise and justly charge that he has not been afforded an opportunity to be heard by the Rules Committee on any application whenever conditions and time permitted. As it is, I repeat, there are before the Rules Committee about 40 resolutions and applications for rules, and it is impossible to act upon all of them. Therefore only those of real importance are taken up and hearings granted.

However, the House knows this is not the first time that the gentleman from California has called attention to Bridges' status. I venture to say that at least 20 times before he has talked about the very same matter.

At this time I think matters of greater importance deserve consideration, especially in view of the fact that the Appeal Board has acted adversely to the gentleman's viewpoint and the matter is now receiving consideration by the Attorney General. Furthermore I feel that the passing of any such measure by Congress

would be held to be a bill of attainder, prohibited by the Constitution of the United States, and on that point in the near future I shall submit a brief that will bear out not only my contention but that of real constitutional lawyers on the subject.

[Here the gavel fell.]

PVT. ARCHIE R. GURKIN, OF PINETOWN, N. C.

Mr. BONNER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. BONNER]?

There was no objection.

Mr. BONNER. Mr. Speaker, yesterday there appeared in the Star and other morning papers a picture of a splendid North Carolinian typifying the young manhood of today who are now defending our Nation. The picture is of Pvt. Archie R. Gurkin, of Pinetown, N. C., son of one of North Carolina's outstanding families. He was the first casualty at Pearl Harbor. Though shot through the chest and back, thanks to our good Medical Corps, Gurkin has recovered and returned to duty. The spirit demonstrated by this North Carolinian, who was born and reared near my home town of Washington, N. C., is the same spirit that will win this war, and I say Godspeed to him and others engaged in this mission.

EXTENSION OF REMARKS

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article by Owen L. Scott which appeared in the Washington Star of yesterday.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. WOODRUFF]?

There was no objection.

THELMA CARRINGER AND OTHERS—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 655)

The SPEAKER. The Chair lays before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 4010, a bill for the relief of Thelma Carringer and others.

It is the purpose of the bill to pay the sum of $1,500 to Thelma Carringer, widow of A. M. Carringer; the sum of $500 to Burt Savage; the sum of $550 to J. A. Cearly; and the sum of $1,700 to Frank A. Fain, by reason of the death of Carringer, personal injuries to Savage, and payments in the nature of awards to Cearly and Fain, all in connection with the apprehension of three bandits who robbed the post office at Coker Creek, Tenn., of $11.64 on October 7, 1930.

At the request of the postmaster at Coker Creek, Carringer, the chief of police of the nearby town of Murphy, N. C., with the assistance of Fain, night watchman at Murphy, and two citizens, Savage and G. J. Leatherwood, sought to apprehend the mail robbers. When they overtook the automobile in which the bandits were making their escape, a gun battle ensued, resulting in the death of Carringer and personal injury of Savage, together with the capture and subsequent death of one of the bandits, Jess McPherson, and the capture of another bandit, Walter Bryson.

The third bandit, Casey Bryson, escaped but was subsequently apprehended in the nearby town of Andrews, N. C., by Cearly, a former police officer.

The Post Office Department has already paid, on account of the capture of McPherson, the maximum awards permissible under the existing law, as follows: $750 to the widow of Carringer, $750 to Fain, $250 to Savage, and $250 to Leatherwood, or a total of $2,000.

The two Brysons were tried and convicted of the murder of Carringer in a State court. Since they were not convicted of a postal-law violation, the Post Office Department could not pay any reward on their account. However, the State of North Carolina, the county of Cherokee, and the town of Murphy did pay, on account of their capture, the following amounts: $3,800 to the widow of Carringer, $82 to Savage, and $550 to Cearly, or a total of $4,432.

It would appear to me, therefore, that the payments that have been made to the claimants in this case represent, both as to their total amount and as to the division of that amount between the Federal Government and the local governments, an appropriate and sufficient recognition of services performed and the injuries sustained by these claimants.

I do not think, moreover, that it would be appropriate to provide by special act for Federal rewards to individuals in excess of the amounts that have been provided by the general statute establishing the policy to be followed in such cases.

I regret, therefore, that I do not feel justified in giving the bill my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 9, 1942.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and accompanying document will be referred to the Committee on Claims and ordered to be printed.

There was no objection.

REGULATION OF BARBERS IN THE DISTRICT OF COLUMBIA

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5444) to amend the act to regulate barbers in the District of Columbia, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain what this bill does?

Mr. SCHULTE. This bill seeks to regulate the hours the barbers in the District of Columbia may work. The conditions as to working hours under which barbers work here in the District of Columbia are more deplorable than in any other place in the United States. This bill has been reported unanimously by the committee.

Mr. MARTIN of Massachusetts. What are the conditions at the present time? The House would like to know what the conditions are at the present time and what this bill seeks to do.

Mr. SCHULTE. The conditions now are that barbers can be forced to work and they do work 17 to 18 hours a day.

Mr. MARTIN of Massachusetts. Does the gentleman mean an individual barber is required to work that long?

Mr. SCHULTE. Yes.

Mr. MARTIN of Massachusetts. What does this bill seek to do?

Mr. SCHULTE. This bill seeks to let the barbers work a 54-hour week, so they cannot be forced to work 7 days a week, as they are doing today.

Mr. MARTIN of Massachusetts. How about the days of the week upon which a barber shop can be kept open?

Mr. SCHULTE. That will be left to the barbers themselves. They will work out that program. In this bill they are given authority to work out that program.

Mr. MARTIN of Massachusetts. Have regular hearings been held on this bill, and has the committee reported it unanimously?

Mr. SCHULTE. The committee has reported the bill unanimously.

Mr. COX. Mr. Speaker, I object.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, FISCAL YEAR 1943

Mr. TARVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 6709) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1943, and for other purposes.

CALL OF THE HOUSE

Mr. DIRKSEN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House will be ordered.

There was no objection.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 35]

Arnold	Englebright	Kramer
Baldwin	Ford, Thomas F.	Lambertson
Baumhart	Gavagan	McKeough
Beam	Gerlach	Magnuson
Bender	Gifford	Mitchell
Bishop	Harris, Va.	Myers, Pa.
Bolton	Hébert	O'Day
Buck	Howell	Oliver
Buckley, N. Y.	Jarman	Osmers
Burgin	Jarrett	O'Toole
Byron	Jenks, N. H.	Patrick
Camp	Jensen	Plauché
Celler	Johnson, Ill.	Randolph
Cole, Md.	Johnson, Lyndon B.	Sacks
Copeland	Kelly, Ill.	Scanlon
Courtney	Kennedy, Michael J.	Schaefer, Ill.
Curtis	Kilburn	Scott
Davis, Ohio	Kleberg	Scrugham
Douglas	Kopplemann	Shannon
Downs		Sheridan
Drewry		Smith, Pa.

Stearns, N. H.	Voorhis, Calif.	West
Stefan	Vreeland	Whitten
Stratton	Walter	Worley
Tolan	Wene	Wright

The SPEAKER. Three hundred and fifty-eight Members have answered to their names, a quorum.

By unanimous consent, further proceedings, under the call, were dispensed with.

WAR PRODUCTION BOARD

The SPEAKER. The Chair desires to make a short statement and have a letter read.

A few of us 2 or 3 weeks ago had a talk with the Honorable Donald Nelson about Members of Congress having great difficulty in finding the proper person to talk to in the War Production Board in getting information. There was conversation about having someone designated by Mr. Nelson from whom Members of Congress could get information. This morning I received a letter from Mr. Nelson which, without objection, the Clerk will read.

There was no objection.

The Clerk read as follows:

MARCH 6, 1942.

MY DEAR MR. RAYBURN: In view of the intense interest of Members of the Congress in the various aspects of the operation of the War Production Board I have reached the conclusion that it would be mutually beneficial to the Congress and the War Production Board if a channel were provided through which congressional requests for information might be handled.

Because of the many varied activities of the War Production Board, Members of the Congress have great difficulty in locating the official who can give them a specific answer to their inquiries. As a result, they are confused about the whole organization and much of their time and that of officials of the War Production Board is consumed through unnecessary telephone calls and correspondence.

In view of the importance of a mutual understanding and a close working relationship between the Congress and the War Production Board, I have taken definite steps to establish a working liaison in both Houses of Congress. Mr. William J. Hays has been selected as a liaison officer of the War Production Board to the House of Representatives. I have instructed my assistants to work out with you provision for an office at the Capitol for Mr. Hays in order that he and whatever staff he needs may be available at all times to answer inquiries from individual Members of the House, to provide information about operations of the War Production Board, and to advise Members concerning action taken on matters with which they may be concerned.

I would appreciate your advising Members of the House of Representatives that effective liaison is being established immediately.

Sincerely yours,

DONALD M. NELSON.

The Honorable SAM RAYBURN,
House of Representatives.

The SPEAKER. The Chair will state that Mr. Hays has beer installed this morning in the committee room of the Committee on Expenditures in the Government Departments, 304 House Office Building.

DEPARTMENT OF AGRICULTURE APPROPRIATION BILL, FISCAL YEAR 1943

The SPEAKER. The question is on the motion offered by the gentleman from Georgia that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6709.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 6709, with Mr. RAMSPECK in the chair.

The Clerk read the title of the bill.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Oklahoma: On page 75, line 13, after "Government" and before the period, insert the following: ": *Provided further*, That no payment or payments hereunder to any one person or corporation shall be in excess of the total sum of $1,000."

Mr. WHITTINGTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITTINGTON. Mr. Chairman, it will be conceded that the rule which has been adopted in connection with the consideration of this bill waives points of order against items in the bill, but the rule would not make in order amendments that would otherwise be in violation of the rules of the House. I believe it will also be conceded that the proposed amendment is not within the so-called Holman rule, as it does not appear on its face it will effect a reduction or a retrenchment in this appropriation. It may be contended that the proposed amendment is a limitation. I assert and make the point of order that it is not a limitation but is legislation in an appropriation bill, which is not admissible.

May I remind the Chair in that connection that this amendment comes at the conclusion of the paragraph under consideration on page 75, following line 13. This is the paragraph that deals with the total amount appropriated to carry into effect the provisions of the Soil Conservation Act for the year mentioned. I should like the Chair to keep in mind that under the Agricultural Adjustment and Soil Conservation Act not more than $10,000 may be paid to any one person or corporation. The act contains this language:

Beginning with the calendar year 1939, no total payment for any year to any person under such subsection (b) shall exceed $10,000

Now the paragraph under consideration provides for an appropriation of $450,000,000 for soil conservation and there are several provisos. The first proviso is that not more than $4,000,000 shall be made available under section 202 (a) to 202 (e). The second proviso is that no part of the amount shall be available for salaries and other administrative expenses except for the payment of obligations incurred prior to July 1, 1943, and I emphasize that proviso because it covers not only the payments but salaries. The third proviso is that such amount shall be available for salaries and other administrative expenses in connection with the formulation of the administrative program of 1943. The fourth proviso has reference to the transfer of funds. The fifth proviso has reference to the payment of amounts that may accrue as a result of the use of seeds and fertilizer. The paragraph therefore includes salaries as well as the amounts that may be paid for complying with the soil conservation act.

The gentleman's amendment stipulates, and I read his amendment:

No payment or payments hereunder to any one person or corporation shall be in excess of the total sum of $1,000.

Now, I assert that would be applicable not only to the soil conservation payments, but to the salaries and to the other payments, but, particularly, to the salaries embraced in this paragraph. I invite the Chair's attention to Cannon's Procedure, page 67, in support of the contention that the proposed amendment is really legislation and cannot therefore be admitted as a limitation. I call attention to the fact that it has been held under annotations on page 67 of Cannon's Procedure, that a limitation giving new construction of law is not admitted.

The salaries and the payments and the other items mentioned here are all fixed by law. This would make unlawful that which is lawful, and this is not admissible. I read from volume 7 of Cannon's Precedents, section 1606:

Whenever a purported limitation makes unlawful that which was before lawful or makes lawful that which was before unlawful, it changes existing law and is not in order on an appropriation bill.

Now, the payments are made in order by virtue of existing law and this would undertake to change the payments. The proposed amendment, therefore, would undertake to change payments that can only be changed by amending existing law.

If there were any citation of authority necessary to support this contention or if there were any facts that would be of benefit to support this contention, such fact is shown by the proposed amendment offered by the gentleman from Texas [Mr. GOSSETT] which does undertake to change existing law, and I submit that is the only way changes can be made. The only way to change the salaries recommended in this paragraph would be to change existing law with respect to salaries.

Under Cannon's Precedents, I repeat and quote:

Whenever a purported limitation makes unlawful that which was before lawful or makes lawful that which was before unlawful, it changes existing law and is not in order on an appropriation bill.

If an employee of the Government is receiving $2,500 and you provide that that employee may receive under this limitation $1,000, you change existing law. If you limit a $10,000 payment, you change existing law.

Further, under Cannon's Procedure and Cannon's Precedents with respect to limitations, and not with respect to the Holman rule, I read section 1642 of the Precedents—

a provision repealing an existing limit on salary was held to be legislation and not a limitation. In support of that contention I cite volume 7, section 1642, of Cannon's Precedents.

This ruling was made in 1924 when the gentleman from Indiana, Mr. Everett Sanders, afterward Secretary to the President of the United States, was presiding in the Committee of the Whole. At that time the Treasury and Post Office appropriation bill was under consideration and the following amendment was offered:

Provided, That no person shall be employed hereunder at a compensation greater than that allowed except not exceeding three persons who may be paid not exceeding $12 a day.

A point of order was made, and the Chair stated it, and I read:

A point of order is made against the amendment. The limitation upon the payment of salaries by law is legislation. Any appropriation which purports to do away with such limitation is legislation, and the point of order is sustained.

I respectfully submit that the proposed limitation is applicable to the salaries that may be paid and to the benefit payments that are fixed by existing law, not applicable to the benefit payments, whatever may be the intention of the author, but to all of the payments of every kind, whether salary, benefit payments or soil-conservation payments mentioned in this entire paragraph. I believe that the amendment is legislation and therefore not within the exception as to limitations, and should be sustained.

Mr. WOODRUM of Virginia. Mr. Chairman, I would like to be heard briefly on the point of order.

The CHAIRMAN. The Chair will be pleased to hear the gentleman from Virginia.

Mr. WOODRUM of Virginia. Mr. Chairman, I think the amendment offered by the gentleman from Oklahoma is clearly in order and not subject to the objections indicated by the gentleman from Mississippi [Mr. WHITTINGTON].

In the first place, I think it is a very strained construction and not justified by the language to say that the amendment would apply to salaries. If it did apply to salaries it would still be in order. It is in order on an appropriation bill to say that none of the funds therein appropriated shall be used to pay any salary in excess of any amount you desire to name, notwithstanding the fact that the organic law may fix the particular salary at a higher rate. We are doing it in every appropriation bill. There are some of the agencies where the salaries of the chiefs are fixed at $12,000 and $12,500, and for years we have carried a provision that none of the funds shall be used to pay any salary in excess of a certain amount. Further, I think it is a strange construction that would apply that amendment to the salaries; but aside from that, the gentleman's objection is that it changes the method of making payments. It does not do it. The same rules provide that soil-conservation payments will continue, notwithstanding this amendment. It does not interfere with that or change the organic law at all. It simply puts a ceiling on the payment and says that you cannot pay any amount above that. It would be impossible to draw an amendment more clearly within the rule permitting limitations on an appropriation bill.

Mr. WHITTINGTON. Mr. Chairman, I submit that if it be a limitation upon the payment of soil-conservation payments, the amendment should be to that part of the bill, and if it be a limitation on the salaries, the amendment should be offered to that part of the paragraph, and that a general limitation to the entire paragraph, which covers four or five different provisions, including payments and salaries, is not in order. To include salaries and other benefits is violative of the general rule that you cannot cover more than one limitation in an amendment.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I do not purpose at this time to discuss at length the point of order raised by the distinguished gentleman from Mississippi [Mr. WHITTINGTON]. I must confess that I am somewhat surprised and really amazed that the gentleman should seriously raise the point of order to the pending amendment. I, of course, agree thoroughly with the gentleman from Virginia [Mr. WOODRUM], who is one of the best lawyers and one of the outstanding parliamentarians in the House, that my amendment is clearly within the rule, and is merely a limitation. I desire to make it clear also that I have profound respect for the gentleman from Mississippi. He is without doubt one of the best lawyers in the House, as well as one of the ablest legislators, and, I might add, incidentally, that the gentleman for whom I have a very high regard is certainly one of the largest and most successful farmers in the South.

Members will recall, as I pointed out in my brief remarks last week, that only 2 or 3 years ago the former distinguished chairman of the Committee on Agriculture, Hon. Marvin Jones, sponsored legislation and finally was able to get a bill through his committee limiting these payments to $5,000. Judge Jones is not only a great lawyer, as is evidenced by the fact that he is now a Federal judge on the Court of Claims, but he was familiar with the original Agricultural Act. He understood also the need for placing a limitation on these payments. Of course, the opposition raised the same objection then. But, frankly, no one took those objections seriously. I feel sure, Mr. Chairman, that the amendment is clearly within the rule, and without further discussion I now ask for the decision of the Chair.

Mr. WHITTINGTON. Mr. Chairman, if the Chair will permit, in response to that part of the statement of the gentleman from Oklahoma [Mr. JOHNSON] which applied to the proposition pending before the Committee, that this point was not either raised or decided 2 years ago when a similar appropriation bill was before the House, the language of the amendment to that bill, with which I am thoroughly familiar, was restricted to soil conservation and parity payments, and did not cover the general payments embraced in the entire paragraph now under consideration.

The CHAIRMAN. The Chair is ready to rule. The present occupant of the chair is informed just now that the point of order referred to by the gentleman from Mississippi was reserved and later withdrawn. The gentleman from Oklahoma [Mr. JOHNSON] offers an amendment, on page 75, line 13, after the word "Government" and before the word "parity", to insert the following language: "*Provided further*, That no payment or payments herein to any one person or corporation shall be in excess of the total sum of $1,000."

From Cannon's Procedure, on page 61, the Chair reads the following:

The House in Committee of the Whole has the right to refuse to appropriate for any object either in whole or in part, even though that object may be authorized by law. That principle of limitation has been sustained so repeatedly that it may be regarded as part of the parliamentary law of the Committee of the Whole.

That was a ruling made by Mr. Chairman Nelson Dingley, of Maine, January 17, 1896. The present amendment against which the point of order has been made undertakes to limit payments which have heretofore been provided for by law. In the opinion of the Chair, the amendment is a limitation; and, therefore, the Chair overrules the point of order.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I am sure that every member of the Committee knows the purpose of the pending amendment. It is for the purpose of limiting these soil-conservation payments to $1,000. A goodly number of Members feel that my figure is too high and will offer amendments to further reduce the limit. Others perhaps think that $1,000 is too low. But certainly the present limitation of $10,000 should be materially reduced.

As I am sure Members will recall, when the original law was enacted there was no limitation whatever on the amount that any one person or corporation might receive. Members will further remember that after the law had been in operation a year we saw the sorry spectacle of a few individuals and several corporations pulling down Government checks of $25,000, $50,000, and $100,000 in these so-called soil-conservation payments. Congress and the country were horrified to learn that one corporation received in excess of $1,000,000 in these payments. Of course, that was not the intent of the law. But when it was suggested that Congress act to correct such a weakness in the law there were those here who threw up their hands in holy horror and said those of us who were endeavoring to amend the bill were trying to wreck it. "You must treat all alike," they shouted. Congress, however, finally decided it must do something about it and a $10,000 limitation was placed in the law. A moment ago I mentioned that the former chairman of the Committee on Agriculture favored making a drastic limitation. He finally introduced a bill, with the unanimous approval of his committee, making the limit $5,000. That bill was brought to the floor of this House and fully discussed, and by an overwhelming vote

this House went on record placing a limit on these payments. So this House has heretofore spoken in no uncertain terms on the principle involved in this amendment.

On last Saturday, shortly after I made some brief remarks here, at which time I gave notice that I would offer the pending amendment, wo or three gentlemen who heard my statement, and whom I respect as splendid, sincere gentlemen, came rushing down to me and said:

What are you trying to do? Sabotage the whole agricultural program?

We hear that word "sabotage" a great deal. That appears to be an overworked word these days. Another Member for whom I have much respect said:

What are you trying to do, Jed, wreck the entire program?

If Members will take the time to turn back the pages of history a couple of years and read the record you will find the same argument was used when Marvin Jones was fighting to make a limitation on these payments. Oh, no; I am not trying to sabotage the program. I am not endeavoring to wreck or hinder the program. I have supported the agricultural program despite its defects. I am here proposing to assist the chairman and his committee. I think he and his committee have done excellent work. His committee has already reduced this bill more than any other annual appropriation bill has been cut as yet, and I am sincere in complimenting these gentlemen on that record. But, here is a chance to save not a few thousand or a few hundred thousand, but to save millions and millions of dollars.

Now in support of my amendment let me say that I hold in my hand a partial list of those farmers—drug-store farmers—who are farming the farmers, who are getting in excess of $1,000. You will be interested to look at this list. It is not the latest list, as I explained Saturday, but it is the latest I have been able to secure. I have tried to get an up-to-date list. This, I repeat, is not up-to-date, nor is it complete. Some States, including the State of Mississippi, are not in this list at all. Members will see it is a long, heavy, cumbersome list. I invite any to come and look at the list who may desire. There are more of these names on the list from my district than any other district in the State of Oklahoma—138 of them. I have looked over this list carefully. Some are very outstanding and influential citizens. Some are close friends of mine. The truth is, however, that a surprisingly small percent of these gentlemen are bona fide farmers. They do not reside on the farm and many never did. In many cases they are either insurance companies, mortgage companies, bankers, or in a few cases retired farmers. Few are actual bona fide farmers.

At this time, which is the darkest hour in the Nation's history, when we are called upon to cut to the bone all nondefense activities, the opportunity of saving the enormous sum of $50,000,000 or over is no laughing matter. That is what is proposed here and that is what I am advised can be done by adopting my amendment. It is one thing to talk loud and long about economy. Here is a golden opportunity to practice economy by your votes.

Mr. WOODRUM of Virginia. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. WOODRUM of Virginia It is unfortunate that we cannot have a photograph of that large volume which the gentleman holds in his hand, but I observe it is probably a couple of hundred pages.

Mr. JOHNSON of Oklahoma. Yes; considerably more that that.

Mr. WOODRUM of Virginia. And so heavy that even a strong man like the gentleman from Oklahoma rather bows under its weight. I applaud the gentleman in his effort to put some sense into this payment program.

[Here the gavel fell.]

Mr. O'CONNOR. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

Mr. TARVER. Mr. Chairman, reserving the right to object, and I shall not I hope the gentleman will be able to conclude within that time, since it is the purpose to have the consideration of the bill completed today, even though we may have to sit rather late. I trust that all gentlemen who desire to address the House will limit their remarks as much as possible.

Mr. JOHNSON of Oklahoma. I thank the gentleman.

The CHAIRMAN. How much additional time is the gentleman asking for?

Mr. O'CONNOR. The gentleman is making a convincing statement. I ask unanimous consent that the gentleman may have 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Montana.

Mr. O'CONNOR. I wish to call attention to the fact that the book which the gentleman has in his possession discloses that in my own State of Montana a gentleman who, I believe, does not spend 1 month of the entire year in the State of Montana draws down, according to that book, the modest sum of in excess of $17,000. In addition to that, there are three others who draw in excess of $10,000, $8,000, and $11,000. I do not believe that this law was ever intended to enrich people who do not even farm, but as the gentleman has well said, "who farm the farmers."

Mr. JOHNSON of Oklahoma. I appreciate the gentleman's splendid statement.

Mr. TARVER. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. If the gentleman desires to ask a question.

Mr. TARVER. I do. The law now limits such payments to $10,000, so it is impossible that anybody could have received more than $10,000 in the State of Montana.

Mr. O'CONNOR. Mr. Chairman, I demand that the book be shown there. It shows that there is an item of $17,000 paid to a Montana man.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I made the statement very plain that this was not the latest list.

Mr. O'CONNOR. I want it understood that the book discloses $17,000.

Mr. JOHNSON of Oklahoma. That is correct, and there are several others. Since this book containing the list was printed Congress has placed a limitation of $10,000 on the payments. So both gentlemen are correct.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. HOUSTON. I want to commend the gentleman from Oklahoma for having the judgment and courage to offer this amendment. I am very strong for it. Did I understand the gentleman correctly to say that his amendment would save about $50,000,000 a year?

Mr. JOHNSON of Oklahoma. I am advised it will save at least $50,000,000 a year, in its present form.

Mr. HOUSTON. Then I hope the amendment carries.

Mr. SOUTH. Mr. Chairman will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. SOUTH. How will the gentleman's amendment apply to a landowner who has, we will say, 15 or 20 separate tenant farmers?

Mr. JOHNSON of Oklahoma. It will limit to $1,000 what any individual may get. Under the present law the limit is $10,000. Yet I am advised that in some cases families have divided up their estates and four or five different members of the family or near relatives have been able to pull down these checks and thereby evade the law. That cannot be done under this amendment.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. STEFAN. I would like to ask the gentleman this question: Suppose a tenant farmer rents from an insurance company which has to have 50 or 60 farms; how will that affect the tenant?

Mr. JOHNSON of Oklahoma. I am of the opinion that my amendment, modified by the Case amendment or something similar, will take care of the tenants or sharecroppers.

Mr. AUGUST H. ANDRESEN. An insurance company that owns a large number of farms can rent them on a cash-rent basis and the tenant gets his money.

Mr. JOHNSON of Oklahoma. That is correct; and I might add that is what they are doing in many instances.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. RICH. No real dirt farmer could farm enough land to deserve a payment of $10,000 a year. Is not this true?

Mr. JOHNSON of Oklahoma. That is how I feel about it. I believe the farmers are just as patriotic as any other class of citizens, whether they be big or little; and with General MacArthur and his brave men pleading for bombers $50,000,000 would pay for a lot of them.

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. BECKWORTH. I commend the gentleman for offering this amendment. I believe it is a step in the right direction. The figures available after 1934 showed that one-half of 1 percent of the producers of cotton were producing about 16 percent of the cotton, which means they were getting about 16 percent of the income from cotton. This is an amendment which has for its purpose the cutting down of the big payments which a few farmers would receive.

Mr. JOHNSON of Oklahoma. I thank my distinguished and able young colleague from Texas for his statement. In that connection, I may say that I happen to know of a man who 2 or 3 years ago had 19 different farms, every one of them occupied by a renter. Within the past 2 years, I am reliably informed, he has torn down every one of those rent houses and every one of his renters has gone to town in a vain effort to get on relief; and the owner is pulling down the cold cash in the form of fat conservation payments. That practice is entirely too prevalent in Oklahoma, as well as other agricultural States. I want to protect the sharecropper and the small family-size farmer. I want to encourage the small farmer to remain on the farm, or return there to help in the gigantic task just ahead to feed the world.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Chairman, I offer a substitute for the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Substitute amendment offered by Mr. CASE of South Dakota for the amendment offered by Mr. JOHNSON of Oklahoma: Page 73, line 16, after the word "inclusive", insert: "*Provided further*. That no payment or payments hereunder to any person or corporation shall be in excess of the total sum of $1,000; *and provided further*, That this limitation shall not be construed to deprive any share renter of payments not exceeding that amount to which he would otherwise be entitled.

Mr. CASE of South Dakota. Mr. Chairman, I have no desire to take any credit from the gentleman from Oklahoma in offering the amendment; in fact, I would rather the few additional words I have added to his amendment in the form of this substitute might be added by him, and if there is no objection it would be satisfactory to me. My suggested amendment is exactly the Johnson amendment with these words added:

And provided, That this limitation shall not be construed to deprive any share renter of payments not exceeding that amount to which he would otherwise be entitled.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I may say that the gentleman from South Dakota submitted to me his amendment, not before I offered mine but before I took the floor, and I said at that time that I saw no objection to it. So far as I am concerned, I have no objection to adding those words to my amendment.

Mr. CASE of South Dakota. Mr. Chairman, would it be in order for me to ask unanimous consent that the wording which I have offered plus the Johnson amendment be added to the Johnson amendment and to withdraw my substitute?

The CHAIRMAN. The gentleman from South Dakota [Mr. CASE] asks unanimous consent that the language of the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON] be changed to coincide with the language of the substitute which he offered, and that his substitute be withdrawn. Is there objection?

Mr. H. CARL ANDERSEN. Mr. Chairman, reserving the right to object, I want to call the attention of the gentleman from South Dakota [Mr. CASE] to the fact that he forgets one very important thing. In the case of an insurance company having 120 farms, for instance, in my district, maybe a thousand in the State of Minnesota, that insurance company is not going to go in on the program unless it gets its pro rata share of the soil-conservation program.

Mr. CASE of South Dakota. My addition is to protect the man who rents from the insurance company.

Mr. H. CARL ANDERSEN. Just a minute. Consequently, that insurance company is going to say to the renter, "You cannot lease this farm from us unless you agree to stay out of the soil conservation."

Mr. CASE of South Dakota. That would be equally true under the original Johnson amendment. It does not help the insurance company.

Mr. H. CARL ANDERSEN. In other words, the gentleman from South Dakota admits that both the amendment offered by the gentleman from Oklahoma and his amendment are not worth the paper they are written on as far as the protection of the tenant is concerned.

Mr. CASE of South Dakota. That is the gentleman's opinion, but he overlooks the fact that, under current rulings, a share renter is automatically out of compliance if his landlord is out of compliance on any of the farms he operates. The addition I suggest will protect the renter who is in compliance regardless of what his landlord does on his other farms.

Mr. HOPE. Mr. Chairman, reserving the right to object, is it not true that no tenant can get any benefits under the program unless he complies with certain requirements? If he is operating under a landlord who says, "No, this farm will not go in the program because I cannot get any benefit from it," how is his amendment going to help the tenant under those circumstances?

Mr. CASE of South Dakota. He could not come in anyway if the landlord would not rent the farm to him if he intended to comply. My suggestion will help the tenant who does rent on shares by protecting him against being ruled out of compliance on the ground that he is a joint operator with a landlord who is out of compliance on some other farm.

Mr. HOPE. Mr. Chairman, further reserving the right to object, may I suggest to the gentleman that I have an amendment at the Clerk's desk which I think will take care of that situation inasmuch as it provides that the limitation shall not apply to a landlord but shall apply to an independent operator or a tenant?

Mr. CASE of South Dakota. Does the gentleman's amendment also carry the thousand-dollar limitation?

Mr. HOPE. Yes; it is an amendment to the Johnson amendment, and simply provides that the thousand-dollar limitation shall not apply to a landlord where the relationship of landlord and tenant exists under the usual and customary standard of such relationship.

Mr. CASE of South Dakota. That is somewhat similar to the bill the House passed last year in which I was very much interested and to which I have no objection.

Mr. HOPE. It is the identical language.

Mr. WHITTINGTON. Mr. Chairman, reserving the right to object, may I ask that the amendment as perfected be read for the information of the house?

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi [Mr. WHITTINGTON]?

There was no objection.

The Clerk read as follows:

Provided, further, That no payment or payments hereunder to any one person or corporation shall be in excess of the total sum of $1,000, and provided further, that this limitation shall not be construed to deprive any share renter of payments not exceeding that amount to which he would otherwise be entitled.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota [Mr. CASE]?

Mr. GILCHRIST. Mr. Chairman, reserving the right to object, may I inquire of the gentleman what is meant by "share renter"? There are a great many places in the country where there is a combination of rents. For example, the landlord will charge something for pasture land or lots in money, but the rest of it he charges by way of share rental. Now, in that case would that farm come under the provisions of your limitation or not where he charges money for the lot and pasture and otherwise a share rental?

Mr. CASE of South Dakota. I think the basic farm act of 1938 used the word "sharecropper" rather than share renter. Whatever is the interpretation there I would understand that the same interpretation should apply here. The reason for the additional language I have suggested grows out of the fact that it has been held that wherever the payments to the landlord come out of the A. A. A. payments, that he is a part or joint operator of the farm, and if he is out of compliance on one of his farms that lack of compliance follows through the landlord to every one of his share renters.

Mr. GILCHRIST. That is certainly true.

Mr. CASE of South Dakota. It does not follow to his cash renters. If a renter can pay cash for his rent, he can rent a farm from a landowner who has several farms and can qualify on his own conduct and not be affected by whether the landlord is out of compliance on other farms. The language I have suggested gives the share renter equal rights with the cash renter in this regard.

Mr. GILCHRIST. But here is a case where they are both share and cash.

Mr. MAY. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota to modify the Johnson amendment by adding the second provision of his amendment?

There was no objection.

Mr. TARVER. Mr. Chairman, may we see if it is possible to arrive at some limitation of debate on the amendments to this paragraph?

Mr. TABER. Will not the gentleman try to limit debate on this amendment and all amendments thereto, rather than on the paragraph itself?

Mr. TARVER. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto or substitutes therefor close at 2 o'clock.

Mr. H. CARL ANDERSEN. I object, Mr. Chairman.

Mr. TARVER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto or substitutes therefor close at 2 o'clock.

The CHAIRMAN. The question is on the motion offered by the gentleman from Georgia.

The question was taken; and the Chair being in doubt the Committee divided and there were—ayes 54, noes 53.

Mr. HOOK and Mr. GILCHRIST demanded tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. TARVER and Mr. HOOK.

The Committee again divided; and the tellers reported that there were—ayes 82, noes 75.

So the motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. CANNON].

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent to proceed out of order for 2 minutes, not to be charged to the time allotted to the pending paragraph.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CANNON of Missouri. Mr. Chairman, may I suggest to the Committee the importance of curbing unnecessary debate this afternoon. Unless we finish the bill tonight it must be laid over until later in the week or next week to make way for the consideration of pressing matters relating immediately and urgently to the defense of the country. The civil functions bill must be brought up tomorrow regardless of whether we are able to complete this bill today.

This bill has already occupied an unprecedented amount of time. Never before, so far as I know, have we spent so much time on this bill. This is not due to the nature of the bill, because it is the most conservative bill presented for several years.

We do not want to curb necessary debate. Every item in the bill should be thoroughly considered. But may I express the hope that those who merely wish to emphasize what has already been said by speakers ahead of them content themselves with extending their remarks in the RECORD. We shall appreciate the cooperation of Members in expediting the consideration of the bill, in order to take up at the earliest possible moment matters of direct and immediate importance to the defense of the Nation.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Amendment offered by Mr. REES of Kansas as a substitute for the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON]: Page 73, line 16, after the colon following the word "inclusive", insert the following: "*Provided*, That no total payments for any year to any person, firm, or corporation under this section shall exceed $500: *And provided*, That this limitation shall not be construed to deprive any share renter of payments not exceeding $500 to which he would otherwise be entitled. In the case of payments made to any individual, firm, or corporation, or estate on account of performance on farms in different States, Territories, or possessions, the $500 limitation shall apply to the total of the payments for each State, Territory, or possession, for the year and not to the total of all such payments."

Mr. REES of Kansas. Mr. Chairman, I offer an amendment to limit the payment of soil-conservation funds to any one person, firm, or corporation in the maximum amount of $500. This amendment does not affect parity payments.

Mr. Chairman, I believe that soil-conservation money is intended to serve at least two purposes. One is to assist the farmer to some extent in the carrying on of his farm operation expenses and the other is to help in the building of a soil-conservation program. Compliance with the program was also intended to help in the reduction of surplus crops by taking a considerable amount of acreage out of production.

I do not criticize the soil-conservation program, but I do feel that a considerable amount of money has been spent on this program that could have been saved. Too much of it, I think, goes to the big operator who, after all, is the one who creates the surpluses, if there are any, and too small a share goes to the ordinary, average farmer. We ought to give a little more consideration to the farmer who operates the family-size farm and give less help, I think, to the big operators. They are in a pretty good position to take care of themselves.

Some time ago I introduced a bill that would give the small operator a little larger and fairer share of soil-conservation funds. I did not have much success with that proposed legislation.

In support of my amendment I direct attention to the manner in which the soil-conservation funds are distributed.

This Congress appropriated, for soil-conservation funds for the year 1940, a total sum of approximately one-half billion dollars. The gross payments amounted to $442,711,000, and 6,009,496 farmers participated.

Now here is the way the program worked out. One million six hundred fifty-one thousand and seventy-five, or 27 percent of those farmers got payments of $20 or less. Three million one hundred thirty-two thousand five hundred and twenty, or 52 percent of them got $40 or less. Putting it another way, we settled with 52 percent of our farmers by paying them $58,013,000 out of the $442,711,000. It took just a little less than that much money to administer the act. Four million eight hundred ninety-one thousand and fifty-nine, or more than 81 percent of our farmers, got all the way from $1 to $100. They got $168,288,000 which is approximately one-third of the amount appropriated. The average payments for the 81 percent were $35 each.

Mr. Chairman, 99.66 percent of all of those who participated in the soil-conservation program of 1940 got less than $500 each. They got a total of $361,301,000. It just seems to me that we have a chance here to save in the neighborhood of $50,000,000 without injury to anyone. We would still have $25,000,000 that could be paid to those who are now receiving extremely small payments. The adoption of this amendment will reduce the payments of less than four-tenths of 1 percent of our farm operators who really do not need these funds and should not, in view of present conditions, expect from the Federal Government for soil conservation more than $500.

Mr. Chairman, in view of the great demand on the part of our Government for increased production on all fronts, and since we are to have an expansion in the planting of crops rather than to limit them, except only in a few cases, it seems to me that we could do well to take off a lot of requirements that are now in effect and give the farmer a chance to go ahead and raise his crops without being hampered. I do not want to destroy the soil-conservation program. This amendment will not destroy it in any respect.

You will not injure the farmer at all. As a matter of fact, you would still have about $20,000,000 for those who receive scarcely anything under this program. We can save fifty or sixty million dollars that would, otherwise, go to the big operators who do not need it and should not ask for it.

Mr. Chairman, I should call your attention to the fact that my amendment has nothing to do with parity payments.

Mr. Chairman, the soil-conservation program came into being when conditions, as regards the farmers as well as the country, were far different from what they are today. The farm program should be revised to meet the demands of today and not of a few years ago.

Mr. Chairman, the demand of the hour is to produce more and more food, and for less restriction and less hampering of any kind. "Food for freedom" is the slogan now.

Mr. Chairman, all the farmer asks is that he be paid a decent price for his products compared with what he is required to pay for the things he needs to buy. Do you realize that even during the last 2 years the average annual farm income, after allowance for rents and for food produced on the farm, was only a little over $900?

Mr. Chairman, I believe most important right now is to reduce restrictions and then see the farmer is paid a fair

price for his products on the basis of what he is required to pay for the things he needs.

Mr. Chairman, the farmers of this country will work still harder and for longer hours to meet the demand for more food in this country, as well as for the Allies across the seas.

Mr. Chairman, the American farmer can be depended upon in this hour of our Nation's peril. He will accept the challenge of "food for freedom," and he will not be found wanting in any other demand that may be required for his country's welfare.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOOK] for 1 minute.

Mr. HOOK. Mr. Chairman, I think this is a very commendable amendment. We have heard much about economy here and we have seen going down through the lines those who have opposed appropriations for the family size farm. Now we have a chance to save $50,000,000 here and the only ones who will be affected are men like—well, you boys from the South know Oscar Johnson, with his $1,300,000, and those who are getting payments far beyond what they deserve. I mention Oscar Johnson because of the large Government check he received before we limited the payments to $10,000. He is the Farm Bureau Federation lord and czar who, I am informed, pays the Farm Bureau dues for all his tenants, en bloc, and then charges it back to them when he settles with them after the season's crops are sold. You southern boys should vote for this amendment and relieve yourselves of the enormous pressure from this source. Ed O'Neal, Oscar Johnson, Earl Smith are the Farm Bureau representatives who are pressing for the destruction of the Farm Security Administration, which helps the family-size farm, but they are in favor of these large payments. When the Farm Security Administration appropriation section of this bill is being considered, remember that it is those who have received these large checks in soil-conservation payments who are opposing the Farm Security Administration. They attempt to lead you to believe it is communistic in its activities. It is not. It is doing a real American job. I know that the Catholic Church cannot be accused of supporting anything that is communistic. Well, Monsignor O'Grady, head of the National Catholic Charities, and Father Ligutti, Catholic Rural Life Association, and his colleagues, are in favor of the Farm Security Administration. I know that they would not so favor this program if they could detect any communistic techniques or intentions in its activities.

I want to include here the following telegrams. The first one by Ed O'Neal, of the Farm Bureau Federation, to all farm bureaus, and copy of telegram in answer thereto by Philip Murray to the gentleman from Massachusetts, the Honorable JOHN MCCORMACK:

[Telegram from Ed. O'Neal to all Farm Bureaus]

MARCH 5, 1942.

The Agricultural Appropriations Committee did not carry out our recommendations for economy in the enormous cost of administration of Farm Security Administration and other agricultural agencies. The press reports Congress of Industrial Organizations President Murray vigorously attacking our present farming system, including use of modern labor-saving machinery, and requesting all his local units wire all Congressmen in behalf of appropriations. It is vital to our organization and that of agriculture that we win this battle and reduce this intensive bureaucracy. I appeal to you to give us your aggressive support in this crucial struggle by contacting all your Congressmen immediately in every way possible, including a heavy barrage from your counties and from those interested in any phases of agriculture.

MARCH 7, 1942.

Hon. JOHN W. MCCORMACK,
Majority Leader, House of Representatives, Washington, D. C.:

My attention has just been called to a telegram sent by President Edward A. O'Neal, of the American Farm Bureau Federation, to branches of that organization calling for the slashing of the program of the Farm Security Administration and other farm agencies, and accusing me of attacking our present farming system in my recent message to Congress of Industrial Organizations unions. I consider the bond of friendship between organized labor and organized farmers to be so important to the country as a whole as to forbid all heated controversy between spokesmen for the two groups. I am obliged, however, to point out that I made no attack whatsoever upon our farming system, but urged instead that the program of the Farm Security Administration means the preservation of that system in its most human and typically American form—the family farm. I did not suggest for one moment that the use of labor-saving machinery should be restricted, believing, on the contrary, that the use of modern methods by independent farmers individually or in cooperation is desirable and important. What I did say, however, was that the country could not rely in this emergency for the production of needed foodstuffs upon corporation farms operated by absentee owners through hired managers, who had no personal stake in their work. I said, and I repeat, that if agricultural production is to be expanded sufficiently for purpose of our victory, the expansion must come from the independent farmer who operates the family sized farm, and that such farmers receive their principal assistance from the Farm Security Administration. I said that labor was going to stand shoulder to shoulder with these farmers throughout the emergency, and that the Congress of Industrial Organizations favored the expansion of the Farm Security program. Organized labor purposes to lend whatever help it can to the working farmers of this country and to the Government agencies which aid those farmers. It is a source of keen regret to me that President O'Neill has misconstrued my comments, and I trust that you and the Members of Congress will understand the real issues.

PHILIP MURRAY,
President,
Congress of Industrial Organizations.

This amendment should be adopted in the interest of good government and in the interest of the real farmer of America.

I ask each and every one of you to spread democracy in America by supporting the appropriations for F. S. A., so that those brave boys on the battlefield, who are offering their lives for democracy, may return to a Nation which has preserved its democratic way of life. They are fighting to defend it. Let us fight here to preserve the gains we have made for it.

Vote for this amendment and oppose any cuts in the appropriations for the Farm Security Administration, the Farm Bureau Federation notwithstanding.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON].

The Clerk read as follows:

Amendment offered by Mr. HOPE to the amendment of Mr. JOHNSON of Oklahoma: After the figures "$1,000", strike out the remainder of the amendment and add: "But in applying this limitation there shall be excluded amounts representing a landlord's share of a payment made with respect to land operated under a tenancy or sharecropper relationship if the division of the payment between the landlord and tenant or sharecropper is determined by the local committee to be in accordance with fair and customary standards of renting and sharecropping prevailing in the locality. In the case of payments to any person on account of performance on farms in different States, Territories, or possessions, the limitation shall be applied to the total of the payments for each State, Territory, or possession for a year, and not to the total of all payments."

Mr. WHITTINGTON. Mr. Chairman, will the gentleman from Kansas yield?

Mr. HOPE. I have just a moment.

Mr. WHITTINGTON. Is that the same limitation as the one reported by the gentleman's committee and passed by the House last year?

Mr. HOPE. That is true.

Mr. Chairman, I am trying to do in this amendment what the gentleman from South Dakota and the gentleman from Kansas are trying to do; that is, to permit tenants to stay in the program under this limitation. Now, unless you permit landlords who may operate multiple farms to come into the program and stay in the program, you are going to have thousands and thousands of tenants who cannot come in. The gentleman from Minnesota stated awhile ago that they could pay cash rent and come in. This is true, but most tenants are not in position to pay cash rent.

Now, while the gentleman from Kansas [Mr. REES] and the gentleman from South Dakota want to protect the tenant in his payments the amendments which they have offered will not do so. Both the Johnson amendment and the Rees amendment put a straight limitation of $1,000 on payments. Almost half of the farmers in this country are tenants. In many cases they rent farms from landlords who own a great deal of land. Some of these landlords are individuals, some are corporations. If a landlord is limited to total payments of $500 or $1,000 when he owns many farms, he will not come into the program. He cannot afford to let his tenants come in. The result will be that many thousands of tenants will be forced out of the program. The further result may be that many large landowners will decide to operate their farms with hired labor, thus dispossessing existing tenants. This will occur because they will figure that they can operate more cheaply and efficiently that way. On the other hand, if my amendment to the Johnson amendment is adopted, and the Johnson amendment

is adopted, it will be distinctly to the advantage of any large landowner to operate through tenants. This should result in more farmers and farm families and fewer hired laborers on our farms. In other words, it will mean many more farm homes, an entirely desirable situation.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Chairman, I rise in support of the Hope amendment.

No man in this House has given more thought and attention for several years to this matter than the gentleman from Kansas, Representative HOPE, who has been on the conferences when we have been trying to reduce this amount all the way from $10,000 down, and I am very much in favor of his amendment to the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON]. It will save the tenants, and that is what we want to do in this matter. It is not the landlord, but it is the tenant that we should help at this time.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin [Mr. MURRAY].

Mr. MURRAY. Mr. Chairman, the distribution of $10,000 checks to individuals or big corporations from this fund was surely questionable during peacetime, and it is indefensible during wartime. This is one of the bad parts of the agricultural program. There is not any sense in "rolling out the barrel" and turning out millions of dollars to the landed aristocracy of this country at this time. Five hundred dollars will pay all taxes and insurance on any family-size farm in America.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Chairman, I really regret that we do not have enough time to adequately discuss this important amendment. We have worked for a solid week on this bill. Now when we come to one of the most important amendments the time is limited to about 26 minutes. I wish I had an opportunity to go into this matter in full and in detail. If we are going to have a soil-conservation program we want a program that will conserve the soil. This was the intent of the program when instituted originally. The title to the original act on soil conservation, passed in the Seventy-fifth Congress, says this in part, "to provide for the conservation of national soil resources * * *." Now, if the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON] is approved by this body we might just as well write it off, and there will be no more soil conservation. There are 2,800,000 tenants right now in America, and just as sure as the gentleman's amendment is adopted, a good part of the 2,800,000 tenants will go on the relief rolls. I hope the amendment of the gentleman will be defeated.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kansas [Mr. REES], which places a limitation on the payment to any individual of $500 for any one year. This amendment is the same amendment that was printed in the RECORD, and fully protects all tenants and sharecroppers who rent their land from multiple land owners. The amendment is necessary at this time. It distributes the money to family-sized owned and operated farms. If you favor giving aid to the small farmer, here is an opportunity for you to vote for an amendment that will give him a just and equitable share of the soil conservation payments.

Mr. SOUTH. Mr. Chairman, I rise in support of the Hope amendment. I do not think it is just what we need but it is better than anything else that has been offered. There is a great deal of shadow boxing going on about this farm program, or else there is a good deal of misunderstanding about it. In the first place if the average landowner is not permitted to share in the benefits through the operation of tenants, he will do away with his tenants, and that is what is hurting the farm program today. I have often undertaken to defend the farm program by saying that it is not responsible for the removal of tenants from the farm but, Mr. Chairman, we have to admit that it has done very little toward stopping that trend.

Certainly this is not the time or place to limit the amount of land a single individual or corporation should be permitted to own, if such a plan were desirable or necessary. We are dealing here with the amount of soil conservation benefits which a single person should be permitted to receive. If the farm program is seeking to keep as many tenants as possible on the farms until they can acquire their own homes, then we had better not take any action which would induce the landlord to get rid of his tenants. This has already been done to a great extent. I do not care how low you fix the amount of the landlord's share, so long as you deal with each tenant-occupied farm as a single unit, but you will defeat the purpose which real friends of the tenant farmer seek to accomplish if you lose sight of the individual tenant farmer. Until some way has been found for keeping tenant farmers on the farms and out of the cities and towns, and finally on relief, we cannot say that we have done much of lasting benefit for the lower-income group on the farm. We must not deal with this question lightly or hastily. It deals with one of America's greatest economic problems.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROBSION of Kentucky. Mr. Chairman, I have consistently, over the years, supported the conservation program of protecting our farms, forests, and other natural resources, and I have likewise supported the principle of parity prices for the farmers of the Nation. Believing that the amendment of our colleague the gentleman from Oklahoma [Mr. JOHNSON] is in the interest of conservation and will promote the best interest of the average farmer of our country I am supporting it. While the conservation of the soil of the Nation should receive the approval of the Congress and the people of the country, yet I am not unmindful of some abuses that have been practiced. The real purpose of the Congress was to conserve and build up our soil. Literally billions of dollars have been spent by the Government in carrying out this program. Congress also had it in mind to help the medium-sized farms, the small farms, and the sharecropper and the tenant farmer. I think this most laudable program has been abused and brought into disrepute. We were amazed some 4 or 5 years ago to learn that more than one big corporation owning thousands of acres of land received approximately a million dollars in benefit payments in one instance not to produce cotton and a million dollars in another case not to produce sugar, and one particular concern received $245,000 in benefits not to raise hogs. Hundreds of insurance companies, trust companies, and other corporations holding large tracts of land received $10,000 to $50,000 and many of them $100,000 not to produce rice, sugar, cotton, or other products.

It took a 2-year fight to require the Secretary of Agriculture to make public the names of individuals and concerns that received $10,000 or more in these benefits. The country was amazed and shocked. We were unable to fix a limit at that time on the amount that an individual or corporation could receive in benefits in a single year. Finally a limit of $10,000 was fixed. This was too high. This limitation was reduced to $5,000. The amendment of our colleague, Mr. JOHNSON, limits to $1,000 the amount that any individual or corporation can receive in a single year of these farm benefits under the conservation program. The number of individuals and corporations holding large tracts of land who have been receiving in the last year or two in excess of $1,000 in benefits makes a large book several inches thick. The last report I saw showed that the average farmer in the Nation received less than $75 per year of these benefits. The large sums were paid out to the big insurance companies, big banks, and trust companies on large boundaries of lands held by them. If anyone needs this help and benefit, it is the medium-sized and small farmer, the sharecropper, and tenant farmer.

Some few years ago the Commissioner of Agriculture appointed a commission to look into the conservation program and the cut-outs as carried on by the Department of Agriculture. It was found that the policy being pursued in the South alone forced a million farm tenants and sharecroppers from the lands of these large holdings into the cities on relief. Many of these big landowners were making more money not to cultivate their lands than to cultivate them under the benefit payment and conservation program.

Mr. JOHNSON and others informed us that if his amendment is adopted, it will save $50,000,000 of the taxpayers' money, and will not injure the conservation pro-

gram. I cannot understand why any individual or corporation should claim more than $1,000 of benefits in a single year out of the pockets of the taxpayers of the Nation. The great insurance companies, trust companies and great corporate interests do not need these farm benefits in order to carry on their farms.

We are in a great war. It will strain to the utmost the financial resources of this country. We should save every dollar that can be saved for our national defense program, and instead of these great tracts of land remaining vacant, farm tenants and sharecroppers should be encouraged to go back on the farms and help produce food necessary for our armed forces and to feed this Nation, as well as to help our Allies in this great war effort.

Much has been said in debate for and against the proposal of parity prices to the farmers of the Nation. I favor parity prices. Webster defines the word parity as equality—equivalent to position. The farmers of the country are placed at a disadvantage. As a rule, the prices for their farm commodities are fixed by those who buy them. On the other hand, the things that they must buy for their farms and their families are fixed by those from whom they must buy. That places the farmer more or less at the mercy of the other groups. In view of the profits being made in industry and the good salaries and wages made by those who are engaged in industry, the farmers should have sufficient prices for their products as will enable them to receive fair compensation for the services rendered by them and their families and receive a fair return on their invested capital and, therefore, it seems to me only a matter of justice to place them as far as reasonably can be done on an equality with industry, labor, and commerce. In view of the fact that millions of able-bodied young men will be taken from the farms for service in our armed forces and the further fact of the higher wages paid in industry and the scarcity of labor, the farmers of the Nation will carry a heavy load during the period of this great war.

No one must underestimate the great contribution the farmers of our Nation must make to the winning of the war. We should, therefore, encourage and aid the farmers of our country to produce to the fullest capacity of their farms. We could do no less than see to it that they are given justice and equality. Excepting those who go forth to battle on land, sea, and in the air, there is no group in the land that will carry a heavier burden than the American farmer.

The administration insists that the prices of farm commodities be held at approximately 85 percent of parity and in order to beat down the market and hold farm commodity prices at about 85 percent of parity, the administration urges that it have the right to dispose of the hundreds of millions of bushels of wheat and corn and the millions of bales of cotton and some other commodities owned or controlled by the Government through loans at less than parity. This indeed is a strange policy. In the first place, it is unfair to the farmers and, in the second place, the administration proposes to make up the difference to the farmers in parity payments out of the pockets of the taxpayers of this Nation. In other words, they say to the farmers we are going to hold your prices down to 85 percent of parity and then we are going to take money out of the Treasury to make up the difference to 100 percent of parity. Why not permit the farmers to receive parity prices in the open market and let those who consume these products pay the farmers parity prices?

The administration program contemplates that these parity-payment checks will be sent out to the farmers along in October each election year. This policy is unsound. Its purpose undoubtedly is to keep the farmers of the country under the control of the New Deal by parity payments out of the pockets of the people.

Mr. PACE. Mr. Chairman, of course there are millions of farmers who are putting their seed into the ground now, with the understanding that present limitations will continue in force. I don't know what your wishes are about legislating at this time, when a man has already made his contract and planted his crop. As I understand, the amendment offered by the gentleman from Kansas [Mr. HOPE] takes this situation into consideration. The other amendments do not, and I hope they will be defeated.

Mr. KEEFE. Mr. Chairman, I call attention to this fact. It seems to me that we are getting far away from the program on which we are seeking to legislate. The question is whether or not we are going to legislate to conserve the soil, or are we going to legislate to provide for pure farm relief. We should remember that this entire program is one designed to provide for the conservation of soil resources of this country. We should be exceedingly careful that we do not adopt an amendment in the name of farm relief which will destroy the entire soil-conservation program of the United States.

Mr. RUSSELL. Mr. Chairman, I rise in support of the amendments, preferably the Hope amendment. I believe such an amendment, if it passes, will send back to the farm a number of farmer tenants who were excellent tenants, who have been forced off the farm by the farm program, first into the W. P. A., and then next onto direct relief. I think it is high time Congress takes some steps to give that class of citizens an opportunity to go back where they want to go.

Mr. GILCHRIST. Mr. Chairman, when I left home the time next preceding this December, one of the best tenants in our country came to me and said, "Fred, please arrange it so that I can take part in this farm program. I live on a multiple farm, and I cannot get into it, because the landlord says to me, 'You cannot go into it because I am not able to proceed within it myself.'" Now, this tenant is one of the best farmers in our country. Multiple owners of land cannot and would not rent their land if a reasonable amount were not to be allowed to them under the farm-conservation program. The amendment is opposed to the interest of the tenants and poorer classes of farmers. Another thing is that producers may be held down to a limitation of the 85 percent on their products. The landlord will not be able to get more than 85 percent, and where will he get the other 15 percent if this amendment carries? We should defeat the proposal in the interest of economy and fair dealing.

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, we can conserve soil by having more people on the farms, who will personally look after the soil, than by having some gentleman draw $17,000 a year and never live in the State.

I am for the Johnson amendment to the bill, as amended by the amendment offered by the gentleman from Kansas [Mr. HOPE], which I think will take care of the situation.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. JOHNSON of Oklahoma. May I say to the gentleman that I was called from the House floor a few moments ago and I did not hear the amendment offered by the gentleman from Kansas, which, I understand, would modify the amendment offered by me. I have been advised, however, that the amendment offered by the gentleman from Kansas is exactly the same bill that was passed by the House some 2 years ago. If that is correct, the House having heretofore accepted it, I would, of course, be reluctant to oppose it, although I must confess that I am not quite clear as to what the effect of the modification proposed would be.

Mr. O'CONNOR. Then the gentleman is for his amendment as amended by the gentleman from Kansas [Mr. HOPE]?

Mr. JOHNSON of Oklahoma. Possibly so. I would want to at least read the amendment before being certain. I have a very high regard for the ability and sincerity of the gentleman from Kansas who offered the amendment.

Mr. O'CONNOR. I ask all Members to vote for the amendment as amended.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Missouri, [Mr. ZIMMERMAN].

Mr. ZIMMERMAN. Mr. Chairman, I agree with the gentleman from Wisconsin [Mr. KEEFE] when he said that the purpose and end of this amendment will be the destruction of our soil-conservation program. It is the entering wedge. I think we ought to be frank about the matter, just like the gentleman from Wisconsin [Mr. MURRAY], who admits that he is against certain features of the soil-conservation program, and let the farmers of our country know that we are supporting amendments here today that mark the beginning of an effort to destroy and wreck a program that has brought a degree of prosperity and stability to the American farmer.

The amendments of the gentleman from Oklahoma [Mr. JOHNSON] and the gentleman from South Dakota [Mr. CASE] grossly discriminate against the large farmers of our country who are cooperating wholeheartedly with our soil-conservation program. The program was

made for all cooperators and there is no reason on earth why the man who farms 500 or 5,000 acres should each receive the same proportionate payment as the man who farms 50 acres. I warn that if these amendments are adopted and our large landowners are discriminated against, that they will be forced out of the program, huge surpluses will pile up, and the whole program will come to naught. It may be popular in some quarters to legislate against the large farmer but it is unjust and contrary to the spirit of the legislation that gave us this splendid program. I sincerely hope these amendments will be voted down. This is, indeed, legislation upon an appropriation bill and the subject matter of these amendments should be referred to the Agricultural Committee for study and action.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, the pending amendments will really defeat their purpose. They are amendments that have been offered and defeated from time to time during the past 4 years. A large farm is nothing more nor less than an aggregation of small farms. No large landowner is going into the program and his tenants are not going in unless the landlord is permitted to share in the benefits of the program. Parity and soil-conservation payments are nothing more nor less than the tariff in reverse. You might as well say that no manufacturer will be permitted to benefit by the protective tariff if the tariff duties amount to more than $1,000 as to say that no landowner, no matter how large his holdings may be, is going to be permitted to profit by this program. Let us stand by the program. Let us be fair to all farmers, large and small. If we want to wreck the program, just arrange it so that a majority of the acres of land will not go into the program, and then no landlord and no tenant and no sharecropper will get the benefit of it. Unless landowners generally cooperate, the program will fail. In cotton, landowners can usually cultivate from 25 to 45 percent of their cleared acreage. Large landowners will not cooperate if they do not receive any payments for the land that they do not cultivate to cotton. The owners sign for the tenants. If the landowners do not cooperate the tenants and the sharecroppers will receive no benefits.

The gentleman from Wisconsin [Mr. KEEFE] is in error when he states the appropriation is not applicable for the year 1942. The bill provides, and I quote:

> During the period January 1, 1941, to December 31, 1942, inclusive.

It applies to the year 1942.

I extend to say that I have consistently opposed the limitation of payments in the soil-conservation program and in parity payments. Under the Soil Conservation and Domestic Allotment Act there is a limitation of $10,000 on soil conservation payments. That limitation is in the following language:

> Beginning with the calendar year 1939, no total payment for any year to any person under such subsection (b) shall exceed $10,000.

The net result of this limitation of $10,000 was the shifting of total payments in States like Minnesota, Iowa, and generally the North Central States—from the North Central States to other States. The large payments did not go in great numbers to the South or the Cotton Belt; they went to the insurance companies who held the title to lands in many of the North Central States. Some of them went to the South, but my understanding is that a vast majority of them went to other parts of the country.

The $10,000 limitation was effective for the first time in 1939. There was a shifting of around $4,000,000 from the North Central States from the appropriation of $445,000,000 for soil conservation in 1938. If the limitation had applied to parities as well as to soil conservation the program would have been practically destroyed because the large holders of land would not have gone into the program if they could not have cultivated their land. If they stay out of the program, the program will be destroyed.

The limitation amendments are not new; they have been offered to practically every appropriation for soil conservation or for parity in recent years. As often as they have been proposed they have been defeated. Congress wants to be fair with all land owners, large and small. The formula for parities and soil conservation was worked out in the Soil Conservation and Domestic Allotment Act. The original limitation of $10,000 for soil conservation occurs in that act as amended. Any change in the limitation should be carefully considered by the Committee on Agriculture and by the House. A limitation on the appropriation bill after the program is under way and after the cotton growers voted for it in December 1941 would not only be unfair but it would disrupt the program for the current year.

Much has been said about the large farms and the small farms. Much has been said about the tractor farmer. With the shortage of farm labor in the harvesting of crops I believe the tractor farm situation will solve itself. The laborers will get most of the proceeds of the crops for harvesting. Tractor farming will become less and less profitable.

After all, large farms are nothing more nor less than an aggregation of small farms. If the large landowners are not permitted to participate in the soil-conservation payments, they will not join the program. This means that the great body of tenants and sharecroppers, especially in the Cotton Belt, will be deprived of the benefits of the program.

There are many reasons why the limitation should be defeated. Any limitation that is adopted should certainly not apply where there are tenants and sharecroppers. The vast majority of the small farmers are tenants and sharecroppers. Their interest and the interest of their landlords are tied together. Both the landlord and tenant are entitled to fair treatment. If the landlord prospers the tenant prospers; if the tenant fails, the landlord fails.

Again, many of the sponsors of the limitations are really opponents of the Soil Conservation and Domestic Allotment Act. The gentleman from Minnesota [Mr. ANDRESEN], in opposing parities, with all deference, manifests a selfish attitude. He is interested in the protection of the dairy farmers; he is opposed to protecting the cotton farmers and the corn growers. Conditions in those belts are different; he is inconsistent. Advocating benefits for his constituents he opposes benefits for others. How can he as the representative of the dairying interests ask for protection for the dairying interests without according protection to the cotton and corn interests?

No State in the Union has been benefited more generally by the soil-conservation program than Minnesota. Let the record speak. In 1940 the estimated gross soil-conservation payments in Mississippi were $16,928,338. The payments in Minnesota for the same year were $20,063,356; in Kansas for the same year the payments were $19,313,856.

I submit that the gentlemen from Minnesota and Kansas are selfish. Their States have benefited more from the Soil Conservation and Domestic Allotment Act than a great majority of the other States of the Union.

Again, the soil conservation and parity payments constitute the reverse of the tariff. The dairy farmers of Minnesota enjoy a tariff of 14 cents a pound on their butter. The gentleman from Kansas [Mr. REES] and the gentleman from Minnesota [Mr. ANDRESEN] advocate a protective tariff. It would be just as sound to stipulate that not more than $500 in tariff benefits would accrue to any manufacturer as it is to say that not more than the amount of the limitation should be paid to any landowner.

The dairy farmers of Minnesota not only get soil-conservation benefits, but they get the benefit of the tariff. Loans are made on their butter; they are the beneficiaries of the Surplus Commodities appropriations.

Again, the aggregate of the individuals receiving payments in excess of $10,000 is very small. There were none under the conservation program in 1940. There were only 12 under the parity program in 1940. There were in 1940 only 448 individuals receiving in excess of $5,000 under the soil-conservation program in the entire United States.

If the soil-conservation program is fair and just for the small owner, it is fair and just for the large owner. Less than seven one-thousandths of all of the growers in the United States received in excess of $5,000 in 1940.

As I have stated, if the large plantation is denied the benefits, the plantation will not join the program. The owner signs up for the plantation.

Again, under existing law all payments under $200 must be increased according to the formula in the existing law. If Congress appropriates $450,000,000 for soil-conservation payments, approximately $50,000,000 in the first instance, increases the half of the payment that would otherwise go to sharecroppers, tenants, and owners under $200.

Under the existing program, which the gentleman from Minnesota opposes, 5 acres is allotted to every sharecropper. The sharecropper is protected. Under

existing law if the landlord changes from tenants to wages he is denied any benefits.

More than 50 percent of all payments go to tenants and sharecroppers. We are encouraging them to become landowners under existing law.

There are many misconceptions with respect to the amounts of the payments. I am familiar with cotton. The aggregate of the payments to the tenants and sharecroppers exceeds the aggregate of the payments to the landlords. The landlords must furnish the lands; they pay taxes on them; they are permitted to cultivate but a small part of their lands to cotton. Their tenants get more benefits because of the reduced cultivation than the landlords. The Agricultural Adjustment and Soil Conservation Act is fair to the tenants. Before there is any division among the large landowners there is a distribution for all small landowners, tenants, and sharecroppers where their payments are under $200. The only way for a tenant or a sharecropper to get the benefits of the program is for the landowner to join the program. If the landowner refuses to join, the tenant will receive no benefits.

The amendment of the gentleman from Oklahoma [Mr. JOHNSON] would limit the soil-conservation payments to $1,000. He has stated it will save $50,000,000. With deference, he is in error. There will be no amount saved to the Government. The total appropriation will be divided among all farmers. As I have stated, under the formula that obtains, from $30,000,000 to $50,000,000 is divided among those who receive small payments in the first instance to increase their payments.

Again, the gentleman from Oklahoma is in error when he states that the amendment which he proposes is the amendment advocated by the former chairman of the Committee on Agriculture, Mr. JONES. Mr. JONES did advocate a limitation of payments; he insisted, however, that the limitation should be reasonable, and in H. R. 3800, introduced by him and passed by the House, there was a limitation of $5,000. This limitation did not apply where there were tenants and sharecroppers. The difference between the amendment proposed by the gentleman from Oklahoma and the limitation advocated by Chairman MARVIN JONES is that there is no limitation in the amendment of the gentleman from Oklahoma. Mr. JONES insisted that sharecroppers and renters could only participate in the program if their landlords cooperated. By reference to the said bill, H. R. 3800, Seventy-sixth Congress, third session, it will be seen that Mr. JONES advocated a limitation, and I may say that the limitation is the identical language proposed in the amendment of the gentleman from Kansas [Mr. HOPE].

While I oppose the limitation, I favor the Hope amendment. It improves the Johnson bill; it does not perfect it. The Hope amendment will do two things: It will eliminate the total payment of $1,000 proposed by the gentleman from Oklahoma; at the same time, where there are tenants and sharecroppers, it will eliminate the present limit of $10,000 in the Soil Conservation and Adjustment Act.

The gentleman's amendment is aimed at those who operate tractor farms and those who use day labor. I think his limitation is too small. The amount should be raised; the limitation should be increased. I repeat that it is essential that all growers join in the program if there is to be a reduction. Large owners as well as small owners must cooperate; the large owners will not cooperate unless they receive fair treatment.

The large owners have accepted the limitation of $10,000 because there was no limitation on the parity payments. It is unfair to reduce further the limitation of soil conservation; there should be no discrimination. The rich and the poor should be treated alike. The benefits are paid for cooperation. They are paid by the acre; the more acres the greater the cooperation.

The cooperation of all growers is essential to the success of the program. This cooperation can only be obtained by all receiving fair and equal treatment.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BECKWORTH].

Mr. BECKWORTH. Mr. Chairman, most of the pleas that are noticeable here have been made on behalf of the tenants. I just want to ask the question, How many people who are tenant farmers receive more than $1,000? I think in answering that question you will find which position to take with reference to this.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, without regard to the merits or demerits of the Johnson amendment, it seems to me it would be very unwise to undertake to change the rules in the middle of the game.

I hold in my hand a copy of the 1942 A. A. A. Handbook for the State of Georgia, published in October 1941, effective December 1, 1941. This handbook outlines the practices for which compensation will be made in the way of soil-conservation benefits. For 3½ months, at least, the farmers of my State have been engaged in preparing for practices of this sort for the purpose of earning these benefits that are to be paid by the money in this bill. This bill is not, as the gentleman from Wisconsin [Mr. KEEFE] said, applicable only to next year. It provides benefits for payments on the 1942 crops.

The farmers voted on the question of quotas on cotton in December. They voted on that question in the light of the provisions of the law with reference to soil-conservation benefits. I say that perhaps it may be true the law ought to be changed, but we ought not to change it in the middle of this year's program. We ought to await action by the Committee on Agriculture, by their submitting to the House proper legislation for that purpose. If the Johnson amendment should be adopted there certainly should be attached to it the amendment offered by the gentleman from Kansas [Mr. HOPE]. If you do not adopt the amendment offered by the gentleman from Kansas, you will work irreparable injury and damage to many thousands of farm tenants in this country who cannot receive any benefits under the operation of this program, because if their landlords refuse to comply, because they have been eliminated from the benefits of the program, the tenants also will not receive any benefits. If you adopt the amendment offered by the gentleman from Kansas [Mr. HOPE], it will be to the interest of the large landlords to deal fairly with their tenants and not to supplant them with hired labor.

So I urge you that if you have a purpose to change the provisions of existing law which already fix a limitation on maximum payments which may be had, by the adoption of the Johnson amendment, you also vote to adopt the Hope amendment which would certainly be for the protection of the interests of the most needy and deserving class of farmers in the United States, the tenant farmers. Sixty-five percent of the farmers of my district are tenant farmers, and I am speaking for them more than I am speaking for the farmer who is able to earn benefits of more than $1,000.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIRKSEN. For the purpose of clarifying the parliamentary situation, now that the date has expired, it is my understanding that the first vote will come on the Hope amendment to the Johnson amendment containing the $1,000 limitation.

The CHAIRMAN. The gentleman is correct.

Mr. DIRKSEN. Thereafter the vote recurs upon the Rees amendment with the $500 limitation.

The CHAIRMAN. The Rees amendment is a substitute for the Johnson amendment.

Mr. DIRKSEN. Thereafter the vote recurs upon the Johnson amendment as, if, and when perfected.

The CHAIRMAN. The gentleman is correct.

Mr. WHITTINGTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WHITTINGTON. As I understand it, if the Chair please, the gentleman from Oklahoma stated that he was willing to accept the amendment offered by the gentleman from Kansas; and I am wondering if that acceptance has been made a part of the record.

The CHAIRMAN. The committee has to pass upon it.

Mr. JOHNSON of Oklahoma. That is correct, Mr. Chairman.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the Hope amendment be again reported for information.

Mr. TARVER. Mr. Chairman, I ask unanimous consent that the Johnson amendment as modified by the Hope amendment be reported.

The CHAIRMAN. Without objection, the Clerk will again read the Johnson

amendment and the Hope amendment to the Johnson amendment.

There was no objection.

The Clerk again read the Johnson amendment and the Hope amendment.

The CHAIRMAN. The question is on the Hope amendment.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. AUGUST H. ANDRESEN. The Rees amendment has not been reported as yet.

The CHAIRMAN. The Rees amendment is a substitute amendment.

The question is on the Hope amendment.

The question was taken; and on a decision (demanded by Mr. HOOK) there were—ayes 147, noes 17.

So the amendment was agreed to.

The CHAIRMAN. The question recurs on the substitute offered by the gentleman from Kansas [Mr. REES].

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I ask unanimous consent that the Rees amendment be reported.

The CHAIRMAN. Without objection, the Clerk will again report the Rees amendment.

There was no objection.

Mr. O'CONNOR. Mr. Chairman, a parliamentary nquiry.

The CHAIRMAN. The gentleman will state it.

Mr. O'CONNOR. Would it not follow logically, inasmuch as the Hope amendment amended the amendment offered by the gentleman from Oklahoma [Mr. JOHNSON], that the Johnson amendment should now be submitted to the committee before the Rees amendment is voted upon?

The CHAIRMAN. The substitute has not been disposed of yet. Under parliamentary procedure it must be acted on first.

Mr. O'CONNOR. But the substitute is only as to the Johnson amendment. The Johnson amendment has already been amended by the Hope amendment.

The CHAIRMAN. It is a substitute for the Johnson amendment, as amended.

The question is on the substitute offered by the gentleman from Kansas for the Johnson amendment, as amended.

The question was taken and on a division (demanded by Mr. AUGUST H. ANDRESEN) there were—ayes 54, noes 128.

So the substitute amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Oklahoma, as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there any further amendments to the paragraph? Does the gentleman from Texas [Mr. GOSSETT] want to offer an amendment to this paragraph? Does the gentleman from Wisconsin [Mr. MURRAY] want to offer an amendment to this paragraph? If not, the Clerk will read.

The Clerk read as follows:

PARITY PAYMENTS

To enable the Secretary of Agriculture to make parity payments to producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco pursuant to the provisions of section 303 of the Agricultural Adjustment Act of 1938, there are hereby reappropriated the unobligated balances of the appropriations made under this head by the Department of Agriculture Appropriation Acts for the fiscal years 1941 and 1942, to remain available until June 30, 1945, and the Secretary is authorized and directed to make such additional commitments or incur such additional obligations as may be necessary in order to provide for full parity payments: *Provided*, That of the amounts hereby made available, not to exceed $5,000,000 may be expended for administrative expenses in the District of Columbia (including personal services) and in the several States (exclusive of expenses of county and local committees), including such part of the total expenses of making acreage allotments, establishing normal yields, checking performance, and related activities in connection with wheat, cotton, corn, rice, and tobacco under the authorized farm program as the Secretary finds necessary to supplement the amount provided for in section 392 of the Agricultural Adjustment Act of 1938, as amended: *Provided further*, That such payments with respect to any such commodity shall be made with respect to a farm in full amount only in the event that the acreage planted to the commodity for harvest on the farm in 1943 is not in excess of the farm acreage allotment established for the commodity under the agricultural conservation program, and, if such allotment has been exceeded, the parity payment with respect to the commodity shall be reduced by not more than 10 percent for each 1 percent, or fraction thereof, by which the acreage planted to the commodity is in excess of such allotment. The Secretary may also provide by regulations for similar deductions for planting in excess of the acreage allotment for the commodity on other farms or for planting in excess of the acreage allotment or limit for any other commodity for which allotments or limits are established under the agricultural conservation program on the same or any other farm.

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: On page 77, line 5, after the word "farm", strike out the period, insert a colon and a proviso as follows: "*Provided further*, That parity payments, under the authority of this paragraph, shall not exceed such amount as is necessary to equal parity when added to the market price and the payment made or to be made for conservation and use of agricultural land resources under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended; and the provisions of the Agricultural Adjustment Act of 1938 as amended; *Provided further*, That the total expenditures made and the contracts entered into in pursuance of this paragraph shall not exceed in all $212,000,000.

Mr. TARVER. Mr. Chairman, I submit a point of order against the amendment proposed by the gentleman from New York [Mr. TABER].

The CHAIRMAN. The gentleman will state his point of order.

Mr. TARVER. Mr. Chairman, the substantive law authorizing the making of parity payments is set out in section 303 of the Agricultural Adjustment Act of 1938. That section provides:

If and when appropriations are made therefor, the Secretary is authorized and directed to make payments to producers of corn, wheat, cotton, rice, or tobacco on their normal production of such commodities in amounts which, together with the proceeds thereof, will provide a return to such producers which is as nearly equal to parity price as the funds so made available will permit. All funds available for such payments with respect to these commodities shall, unless otherwise provided by law, be apportioned to these commodities in proportion to the amount by which each fails to reach the parity income. Such payments shall be in addition to and not in substitution for any other payments authorized by law.

The amendment of the gentleman from New York [Mr. TABER] proposes to make a limitation in this appropriation bill which, if adopted, would be in direct variance with the provision of the section of the basic law which I have read. He proposes instead of not counting other payments as part of the market price as is provided in the basic law, to provide that the soil-conservation benefit payments shall be included in determining whether or not a farmer is receiving parity for his products.

It may very well be insisted, and probably will be insisted, by the gentleman from New York, that the language which he proposes to strike from the bill and for which he proposes to substitute the provision sponsored by him is also legislative in character. I admit that is true. There has been adopted by the House a rule which has waived points of order against the legislative provisions contained in the bill. I also admit that any amendment to this language which might be relevant thereto would be in order notwithstanding it might constitute legislation and notwithstanding it is not, of course, included in the bill; but a provision such as contained in the gentleman's amendment which proposes to add soil-conservation payments to the amount of the market price received by a farmer in determining whether or not that farmer has received parity for his product is not germane to the proposal contained in the bill as to which points of order have been waived by the adoption of the rule in question.

Since this proposal in the bill deals only with the matter of the basic loan rate as a matter aside from market price which shall be considered in determining whether or not parity has been received by a farmer for his product or by what percentage the price of the farmer's products have not reached parity, the provision offered by the gentleman from New York has no relationship whatever, as I see it, to the provision which is contained in the bill, and since it is clearly legislative in character it seems to me that the point of order which I have submitted against it should be sustained.

The CHAIRMAN. Does the gentleman from New York desire to be heard?

Mr. TABER. Briefly, Mr. Chairman.

The bill, on page 75, provides that the Secretary is authorized and directed to make such additional commitments or incur such additional obligations as may be necessary in order to provide for full parity payments.

That is legislation. It is brought in order under the rule. The language that I have submitted is clearly germane to that provision because it provides a method. It is purely a limitation to the payments that shall be made for parity

under the authority of this paragraph. For this reason it is clearly germane and it is clearly in order.

It would be in order if there was no legislation in the paragraph because it is a pure limitation.

Mr. CASE of South Dakota. Mr. Chairman, may I be heard?

The CHAIRMAN. The Chair will hear the gentleman from South Dakota.

Mr. CASE of South Datoka. Mr. Chairman, may I make the observation that if the proposal is clearly a limitation, even though it embraces some legislation, it is in order under the Holman rule.

The CHAIRMAN. The Chair would like to ask the gentleman from New York [Mr. TABER] if there are any funds other than those appropriated in this bill to be used for parity payments?

Mr. TABER. None.

The CHAIRMAN. Just the funds in this bill?

Mr. TABER. That is correct.

The CHAIRMAN. The amendment the gentleman is offering is to limit the funds offered in this bill?

Mr. TABER. That is my intention. I think perhaps I ought to insert after the word "payments" in the third line the words "under the authority of this paragraph." With that in, it would clearly be in order.

The CHAIRMAN. Does the gentleman from New York [Mr. TABER] ask to modify his amendment?

Mr. TABER. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment by inserting after the word "payments" "under the authority of this paragraph." Is there objection to the request of the gentleman from New York [Mr. TABER]?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. TABER] has offered an amendment, on page 77, line 5, undertaking to provide further limitations on th payment and the administration of parity payments, to which the gentleman from Georgia has made a point of order.

It seems to the Chair that the language of the amendment offered by the gentleman from New York constitutes a limitation upon the funds appropriated by this paragraph or proposed to be appropriated by this paragraph and does not constitute legislation.

The Chair therefore overrules the point of order.

Mr. GILCHRIST. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment as modified will be reported.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. TABER, as modified: On page 77, line 5, after "farm", strike out the period and insert a colon and a proviso, as follows: "*Provided further*, That parity payments under the authority of this paragraph shall not exceed such amount as is necessary to equal parity when added to the market price, and the payment made or to be made for conservation and use of agricultural land resources under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended, and the provisions of the Agricultural Adjustment Act of 1938, as amended: *Provided further*, That the total expenditures made and the contracts entered into in pursuance of this paragraph shall not exceed in all $212,000,000."

Mr. TABER. Mr. Chairman, in the first place, I limit the total amount of parity payments to $212,000,000, which is the amount carried in the bill which was passed last year. Under the authority of this bill the Secretary of Agriculture would be entitled to enter into contracts without limit as to the amount of expenditures. These expenditures might very readily run to between $350,000,000 and $450,000,000 when you come to consider the parity price fixed as it is today and the market price as it stands today.

I do not feel that in times like these, when it is so necessary that we make some effort to conserve dollars for our national defense effort, we should be passing a bill which would increase the amount of money that might be disbursed as parity payments.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Montana.

Mr. O'CONNOR. I may be dumb about this—and I suppose I am—but under the provisions of the bill would not the Secretary of Agriculture be restricted to what would be parity under the then conditions?

Mr. TABER. He would be; and he will be under what I propose, but under the present conditions the amount might very readily run to from $350,000,000 to $450,000,000. I do not believe it is fair, in view of the present prices of farm commodities, for the farmers to come here and ask to have the amount of money that is made available increased above what it is in the current act.

Mr. O'CONNOR. My point is that if in excess of $250,000,000 is required to make up parity, should they not have the right to use that amount, if the farmer is to get parity?

Mr. TABER. If you feel that we should take out every dollar there is in the Treasury and use it to hand out payments and benefits to the farmers regardless of the financial structure of America, if you want to commit financial suicide, that would be the way to proceed.

Mr. O'CONNOR. That is not the point. My point is that if we promise the farmer parity, let us give him parity.

Mr. TABER. I have never promised the farmer parity.

Mr. O'CONNOR. I say if we do, let us keep our promise.

Mr. TABER. If you are going to go away out of sight and hand out everything in sight without having any consideration for the financial condition of the country, if you are going to commit financial suicide and destroy the farmer's structure entirely, if you are that much of an enemy of the farmer you want to do just that.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I wish the gentleman from New York [Mr. TABER] would ask the gentleman from Montana [Mr. O'CONNOR] if he feels that it is a constructive policy to have the price-administration agency of the Government set a ceiling beyond which the price cannot go, and then come in here and ask for a removal or limitation of the parity restrictions so that you have to pay out three or four or five hundred million dollars in order to reach parity.

Mr. O'CONNOR. I will answer the gentleman. The great difficulty about the Price Administrator is that he can fix and he will fix the prices of only a few commodities, and that does not touch all the commodities the farmers are required to buy, and hence parity must be determined as we go along.

Mr. TABER. I cannot yield any further. The gentleman has answered. I must have a minute or two to discuss this amendment.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. TABER. If I yield, I shall have to have more time.

Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. I yield to the gentleman from Georgia.

Mr. PACE. How does the gentleman justify his statement that on the basis of the present prices the payments could possibly go to $400,000,000 or $500,000,000?

Mr. TABER. What is the present market price for cotton?

Mr. PACE. Cotton, very happily, is selling at parity, and I hope it will not need one penny of this fund.

Mr. TABER. Grand. Wheat is 23 or 24 cents below parity, with a crop of 700,000,000 bushels in view. The total for wheat would run approximately $190,000,000.

Mr. PACE. Not that much.

Mr. TABER. Yes. Corn is about 17 cents below parity, with a crop in sight, in view of what they will probably plant, of approximately 750,000,000 bushels.

Mr. PACE. The gentleman understands that parity on corn is confined to the commercial corn area?

Mr. TABER. I understand so.

I understood that cotton is now 2 cents below parity, but I may be wrong. According to a circular I received from Georgia the other day, cotton is 2 cents below what they call parity. I cannot tell the gentleman exactly, but I figured on that circular. That would make about $120,000,000 for cotton, about $100,000,000 for corn, and $190,000,000 for wheat, or a total of over $400,000,000.

Mr. PACE. If the gentleman will permit one further question. If the gentleman will help us to prevent the possibility of cotton being dumped on the market, I do not think the gentleman need have any apprehension about cotton not going to parity.

Mr. TABER. You already have the authority to prevent cotton being dumped on the market, as I am told.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield to the gentleman for one question.

Mr. O'CONNOR. Is it not a fact under the provisions of this bill that when corn and wheat and the other commodities covered in the law reach parity nothing is paid under the operations of this bill?

Mr. TABER. Absolutely.

I do not yield any further; I have your question. It is perfectly apparent that this amount can go way out of sight, and all I am asking is that you limit it to what has been appropriated before.

Now, on the other question, I call as a witness Mr. Evans, the head of the A. A. A. institution that has charge of these parity payments. I read:

Mr. TARVER. In other words, according to this language, you want to charge the farmer, in deciding whether he is getting parity or not, with the amount of his soil-conservation payment.

Mr. EVANS. Yes, sir.

Now, it is perfectly evident that the Department of Agriculture itself believes that payments should be made to the farmer only when you come to consider the soil-conservation payments. These soil-conservation payments at the present time or from last accounts called for 10½ cents for wheat, 8 cents for corn, and 1¼ cents per pound on cotton.

Now, why should we make these payments to the farmer at a time when he is more prosperous than he has been in 20 years and add the conservation payments before we figure the parity proposition? Why should we give them the conservation payments on top of parity? It means from 10 to 12 percent above parity if you do that. You gave him soil-conservation payments when agriculture was way down. We ought not to add the conservation payments on top of the parity.

I did not move to reduce the $450,000,000. I am not asking the farmers to take less for parity payments than was provided this year.

Mr. Chairman, unless those who are representing the farmer are prepared to do something fair and to be fair with the country and with the Treasury of the United States, you are going to wreck the farmers' structure entirely. You are not in favor of the farmer unless you put reasonable restrictions on this operation. I hope this amendment will be adopted.

Mr. TARVER. Mr. Chairman, I rise in opposition to the amendment and, Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. TARVER. Mr. Chairman, I voted against the Agricultural Adjustment Act in 1938, upon its passage through this House. I thought another and an entirely different method of financing the farm program should have been adopted. However, a majority of the membership of the House and of the Congress enacted this law and they provided, in section 303, for the making of parity payments. They not only did not provide for the calculation of soil-conservation benefits in connection with the making of those payments in determining what should be regarded as the reception of parity for the farmers' product, but they expressly provided that such payments—having reference to parity payments—shall be in addition to and not in substitution for any other payments authorized by law. I think it is the duty of the Congress, so long as it permits this legislation to remain on the statute books, and so long as it holds out to the farmers of the country through the medium of this legislation the hope of attaining parity through this and other means, to observe the provisions of the law which they themselves formulated, and not at a time when some crops are to parity and others are approaching parity undertake to take away from the farmer benefits that he would otherwise have secured under the provisions of this act by providing that something else which it was especially provided in the law should not be counted shall be counted to determine whether or not he is receiving parity for his products.

The farmer, if he is receiving a bounty—and I do not think that under the facts he is—is not receiving today the bounty which is being accorded to industry through the medium of the tariff.

Reference is made in this committee's report, although it is not carried in the pending bill, to the section 32 money, the 30 percent of tariff receipts which are made available by permanent appropriation for the disposal of surplus agricultural commodities. It amounts upon the basis of last year's tariff receipts to $132,000,000. This means that during the last year $440,000,000 was collected as tariff. A bounty to whom? Not a bounty to agriculture, but a bounty to the industrial interests of this country. If you enact the language of this appropriation as it has been written by the subcommittee and call this a subsidy to agriculture, which I deny it is, the amount of agricultural subsidy will still be far less than the amount of subsidy which during the last year you provided through the medium of the tariff for American industry, and which the farmers of our country helped to pay.

The gentleman from New York says that if we adopt this provision without any limitation as to the amount which may be made available, it may be possible that there will have to be expended $450,000,000. The evidence before our subcommittee did not disclose any such figure. On the contrary, witnesses from the Department who appeared before our subcommittee evidenced the opinion it might be possible that notwithstanding the insertion of this provision in the bill, no parity payments whatever for any product might have to be made. Certainly it is reasonable to assume, if any payments do have to be made to any agricultural product—or to the producers of that product—under the provisions of this bill, if you adhere to the form in which the subcommittee has written these provisions, the amount of the payments will be far less, not only than $450,000,000, but less than $212,000,000, the limitation which the gentleman from New York desires to write into the bill.

May I say to the gentleman that so far as I am concerned, if he had offered a separate amendment to limit the amount of parity payments under this provision to $212,000,000, and to do no more than that, I might have been willing to agree to his amendment to avoid controversy, although I think that the total that he suggests, $212,000,000, is far more than could possibly be needed for this purpose.

Mr. Chairman, I come from a cotton country. Cotton is already selling above parity. There is not in my judgment a single dollar in this provision for any constituent that I have. This provision is of interest to you gentlemen who represent wheat- and corn-growing sections of the country, and to nobody else. Tobacco is above parity. Other major agricultural products, except corn and wheat, are either at parity or above parity, and speaking in the interest of the producers of products in the corn- and wheat-growing sections of the country, from which I am far removed, I think the time has come when during the period of this emergency those people should have the benefits that Congress promised them in the Agricultural Adjustment Act of 1938, but if you gentlemen who represent wheat and corn districts do not desire to vote in favor of these benefits, that of course is your responsibility, and whatever action you take on this amendment will not affect a constituent of mine in my judgment to the extent of a single penny.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. TARVER. Yes.

Mr. O'CONNOR. I represent a wheat-growing territory. What I am trying to get at is this. Under the operations of this bill, if wheat or corn shall reach parity, then nothing is paid under the operation of the bill.

Mr. TARVER. Absolutely not.

Mr. O'CONNOR. But if the commodities go below parity and then the $212,000,000 is not sufficient, are we not deceiving the farmer when we promise him parity and then write a limitation in this bill where we do not give parity?

Mr. TARVER. I think the gentleman under present conditions need not be apprehensive; but if a limitation of $212,000,000 is placed in the bill, it will provide money which will be amply sufficient to take care of the requirements of corn and wheat as to parity. Our subcommittee did not write such a limitation in the bill because it would create an impression that we were making available $212,000,000 for this item, when we did not think that much is needed, and I do not believe any member of the committee would object to placing a limitation in the bill, if the gentleman from New York [Mr. TABER] and a majority of the committee desire to do so, except upon the ground that it is unnecessary.

Mr. SMITH of Ohio. What was the amount of those parity payments made last year?

Mr. TARVER. There is a statement that appears in the hearings, and I am sorry that I cannot quote from recollection. It is slightly less than $212,000,000. Every one else in this country is

above parity, except the farmer. You have even written parity for the employees of the Department of Agriculture into this bill. You make payments of $3,600,000 for salary promotions in this bill, under the provisions of legislation which you enacted last year. All of these supply bills taken together will provide $75,000,000 for no other purpose than raising the salaries of Federal employees, and you are doing that as a matter of bringing them up to where they can live decently under the conditions now brought about by the emergency. I am not undertaking to say that you ought not to do that, but I do say that with industry, with Federal employees, with workers in every conceivable field except that of agriculture enjoying far more than parity conditions compared with the years 1909 to 1914, it would be exceedingly unfair at this time to deny parity to the farmer.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Certainly.

Mr. McCORMACK. I want to get clear in my mind whether or not the provision under consideration excludes the conservation payments of about 9 percent in determining what parity is.

Mr. DIRKSEN. I am going to discuss that very thing.

Mr. McCORMACK. I am anxious to find out whether or not that is so. Parity now is 85 percent of the loan and about 9 percent payments under the conservation provision.

Mr. DIRKSEN. I have not worked it out in that way, but let me cite a few figures and I think it will be clear. I have no other purpose than to make entirely clear exactly what the bill does and what the Taber amendment would do. From a money standpoint the bill appropriates the unexpended balances amounting to a couple of million dollars. Then it says:

> The Secretary is authorized and directed to make such additional commitments or incur such additional obligations as may be necessary in order to provide for full parity payments—

Whatever that might be. That is the language of the bill. In that language we commit Congress, commit the Government, to the payment of full parity. If it is carried out within the provisions of the bill we can see it at a glance by this assumption: Let us assume that the market price of corn is 74 cents; that the parity price is 85 cents. The difference is 11 cents. To go to full parity, therefore, it would mean that a differential of 11 cents per bushel would have to be paid under the commitment of the bill.

Now, the Taber amendment provides that first you would take the market price and to it you add the soil-conservation payments and then you determine the difference between parity, and then of course you add whatever amount is necessary to bring it to full parity. So it would work out in this way: Assuming the price of corn was 74 cents a bushel and the soil-conservation payment was 9 cents, that would be 83 cents. It would require only 2 cents a bushel payment of parity money to bring it up to full parity, as against 11 cents, as provided in the bill.

Mr. McCORMACK. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. McCORMACK. Is my understanding correct that that is the law now, or the procedure at the present time?

Mr. DIRKSEN. I am not so sure that is the law. But there is precedent for it. In fact this provision is now in effect. Let me explain. There is precedent for this reason: Last year we got into the same difficulty. We had the same controversy. When the bill left the House and went to the Senate and then to conference, the President had a meeting with some of the congressional leaders, including members of the committee, and the President was insistent at the time, if I remember correctly—and if I do not remember I hope somebody will correct me—that the soil-conservation payments should be included before you determine how much should be taken out of the parity fund. So what you have here today is a bill providing for the loan price or market price, whichever is higher, plus enough money to bring it up to full parity. The Taber amendment provides the market price, plus the soil-conservation payment, and then whatever is necessary to bring it up to parity.

I wanted the House to be sure of what the bill does and what the Taber amendment does.

Mr. O'CONNOR. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. O'CONNOR. I just want to remind the gentleman of this fact: that the conservation payment has nothing to do at all in figuring what amounts to parity.

Mr. DIRKSEN. I have not gone into that discussion.

Mr. O'CONNOR. Soil-conservation payment is one thing and parity is another thing.

Mr. DIRKSEN. I did not want the House to be confused as to what the bill does and what the Taber amendment does. I think on the assumption of the price, I have determined pretty well, and I believe everybody ought to understand. The Taber amendment takes the market price plus the soil-conservation payment, which in the case of corn would be 9 cents a bushel, plus whatever else is necessary to bring it up to full parity. The bill directs the Secretary of Agriculture to take the loan price or the market price, whichever is higher, and then add to it as much parity money as is necessary to bring it to the parity level.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MAY. Under the language of the bill, the Secretary of Agriculture would be the sole judge of when you reach parity, as far as money is concerned.

Mr. DIRKSEN. His department does the mechanical work of ascertaining the parity level in the case of any basic commodity.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DIRKSEN. But the Secretary of Agriculture has no discretion to determine parity. Parity is an index which is determined on the basis of many indices. They take them all together to determine what the purchasing power of the farmer, measured in terms of his commodities, will be so as to approximate that level of 1909–14. So he does the mechanical work, but he does not determine parity. Parity is determined by economic conditions.

Mr. O'CONNOR. Will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. O'CONNOR. In other words, the mechanics are set up for the Secretary to go by. He has no discretion at all in fixing what is parity, but he has to follow the mechanics already set up.

Mr. DIRKSEN. That is true. Do not forget that the basic act provides that we shall pay parity within the limitation of funds provided by Congress. That was the language of the act of 1938.

My whole purpose was to see that there was no confusion as to what the bill does and what the Taber amendment does.

[Here the gavel fell.]

Mr. HARE. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I am just afraid that the gentleman who preceded me [Mr. DIRKSEN] may have disturbed my mental equilibrium a little, because my understanding of the matter was quite clear up to hearing his analysis of the issue but now, like the old darky in court, "I am sorter 'fused and 'fuddled." My idea is there has always been a definite distinction between soil-conservation benefits and parity payments. I pointed out a few days ago that soil-conservation payments or benefits are the result of a program inaugurated by the Congress a few years ago designed to assist our country in conserving and taking care of its soil and thereby maintaining its national wealth to that extent, and that the farmers were going to be paid for their labor, for their services, and for their cooperation in the program.

We stated then that agriculture is the basis of our national wealth and that soil fertility is the basis of a successful agriculture. We pointed out further that within the past three centuries we have lost 40 percent of our soil fertility as a result of erosion and that at the same rate for the next two centuries we would be unable to support our own increasing population. Our Government realizing this felt a few years ago that it was a governmental obligation to inaugurate a program to conserve and restore soil fertility for future generations, and without going into detail the farmer was requested to cooperate in the program and the Government would pay him for his efforts and expenses in the matter.

There was no gratuity to be given a farmer for cooperating in the soil-conservation program, he was not going to be paid a bounty, he was not to be paid any particular consideration except to

the extent he cooperated and to the extent to which he assisted in maintaining soil wealth. Just a little later on, the parity payment program was inaugurated on an entirely different basis and upon an entirely different theory. The program was based on the theory that the farmer should receive part of the tariff benefits alleged to be coming to other people of the country—industry and labor—and in order that he might get his pro rata share, it was calculated he should have what was called a parity payment, that is, a payment which would place his purchasing power on a basis with that of those engaged in industry; and for that reason parity was entirely different from soil conservation.

It is elementary to say if you increase the tariff rate on a product, like a pair of shoes or a hat, the result will be an increased price which means increased costs to the farmer, and if you put such a tariff rate on all of the things he has to buy without increasing his purchasing power in any way, he will soon reach the point where he will have to reduce the number of purchases and lower his standard of living. Evidently, those who passed the Parity Payment Act felt that the farmer was being penalized as a result of the tariff and undertook to take part of the revenues collected from the operation of the tariff law and distribute this part among the farmers in such a way as to place his income or purchasing power on the basis or on a parity with the purchasing power of those in industry. That is, he would be able to take the product of his labor at the end of a year and purchase about the same amount of goods in value from industry or those employed in industry would be able to pay him for his products. That is the theory upon which parity payments are made.

As I understand the amendment now offered, it is this: The money, the benefits, or the payments a farmer is to receive for cooperating in the soil-conservation work must first be charged to his parity-payment account before he can participate in the parity-payment program and then if the soil-conservation payment is as much as the difference between the market price and parity price of his crop—cotton, corn, wheat, and so forth—he will then receive no parity and consequently not participate in but will be penalized by our tariff system. You might just as well go ahead and say that you cannot participate in the rise of prices by the raising of the ceiling fixed by the Administrator unless you first deduct from that price the benefits you get from your tariff. You might just as well say to these farmers here who have a tariff on wheat, or a tariff on corn, "Why not deduct the amount of the tariff on your wheat, why not deduct the amount of the tariff on your corn before you can participate in the parity payment?"

The principle is the same and the principle of the tariff is just as foreign to this as the soil-conservation principle is. I believe you could with equal force include in here a proviso that the amount of the tariff on a bushel of wheat, the amount of the tariff on a bushel of corn, should first be deducted from the parity price before the farmer would be able to participate in the parity payment, whether the tariff on your wheat or corn is effective or not.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. HARE. I yield.

Mr. FULMER. As stated by the gentleman a moment ago, soil-conservation payments are made to the farmer because of certain labor, buying cover-crop seed and certain crops being planted, soil-building crops, and denying him the privilege of planting other crops. In other words, the farmer absolutely earns every dollar that is paid to him under this and it never was intended to go as a part of the parity payment.

Mr. HARE. I appreciate the statement of my colleague, who is thoroughly familiar with the law. I tried to make that clear in the beginning, that the farmer is receiving from soil-conservation benefits something for what he does, for what he pays out. As the chairman of the Committee on Agriculture just said, he buys his seed, he buys his extra seed. He cannot produce all of the seed used in his conservation program, he has to purchase some, and the soil-conservation benefit is to reimburse him to that extent and pay him for his labors.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I would like, if possible, to come to an agreement as to time of debate on this paragraph.

I ask unanimous consent that all debate on this paragraph and all amendments thereto close at 4 o'clock. That will give us 65 minutes.

Mr. O'CONNOR. Mr. Chairman, reserving the right to object, how many Members are to be heard in this time and how much time would it give them?

The CHAIRMAN. Thirteen Members have risen. It would give them 5 minutes apiece.

Is there objection to the request of the gentleman from Georgia that all debate on this paragraph and all amendments thereto close at 4 o'clock?

There was no objection.

The CHAIRMAN. The gentleman from North Dakota [Mr. BURDICK] is recognized for 5 minutes.

Mr. BURDICK. Mr. Chairman, the gentleman from Illinois says we should defeat this bill by crippling amendments because Mr. O'Neal and his Farm Bureau Federation demand it. Do not get excited about the Farm Bureau Federation. That organization is much like a bumble bee—it is biggest when first born. In 1922 the Farm Bureau Federation had a membership running into the millions; now the gentleman from Illinois [Mr. DIRKSEN] informs us that there are some 500,000 family memberships. It is a losing organization and it has more members now than it will have when the people find out what kind of an organization it is.

It was originally launched by the sponsors of large interests—the railroads, banks, and insurance companies. It was organized to keep the farmers in line. That is exactly how it worked in North Dakota. It was ushered in with trumpets; in the first year, 1921, it had a membership of 40,000 farmers. Today it has not a membership to my knowledge. The big booster outside of the large interests was the county extension system. When farmers in North Dakota joined the organization and attempted to run it, they adopted an outstanding set of principles denouncing the grain gamblers, excessive freight rates, and excessive interest.

I am not speaking from hearsay but from actual knowledge. I was instrumental in writing that program; I was unanimously elected the first president of the North Dakota Farm Bureau Federation, but as soon as any attempt was made to bring the organization down to the grass roots as an actual farmers' organization, we were fought by the very people who instituted it.

We have in North Dakota been friendly to all farm organizations from the days of Kelley's Grange to the present moment. But we think we know an organization when we see one. The Farm Bureau Federation was organized from the top down instead of from the grass roots up building an organization to protect the farmer. An organization built to keep the farmers quiet and make them submit to the unconscionable practices of railroads, insurance companies, and banks is not an organization that can live in North Dakota.

The Farmers Union is a grass-root organization and it has no opposition in North Dakota or in Montana, and in many States from the Canadian border to the Gulf of Mexico it is a strong grass-root organization. This Farmers Union is handled by the farmers themselves and it is not a one-man concern headed by a perpetual O'Neal. The Farmers Union, through its officers and directors, supported by the members, is backing up this present bill.

Every time a farm bill is before this Congress the conservatives rise up on all sides to trim down our enormous and unheard-of expenditures by taking it out on the farmer. I would like nothing better than to be a judge having jurisdiction over the acts of the opponents of this bill. Upon competent proof, such as we have had from the gentleman from Illinois [Mr. DIRKSEN], the gentleman from New York [Mr. TABER], and the gentleman from Virginia [Mr. WOODRUM], I would sentence every last one of them to serve the balance of his life on a farm to dig out an existence there without any outside aid. At the end of that existence, or probably during it, they would come to understand what the average farmer is up against. I am satisfied that nothing else will budge them.

What we mean by parity is that the products of the farmer shall bring a price commensurate with the prices the farmer is required to pay for what he needs and what he must buy.

In the fiscal years 1917-20, when the prices the farmers received for their products were on a basis of comparative parity with prices paid for production and family maintenance, the gross farm income of the United States averaged around $20,000,000,000 a year and the

cash farm income from crops and livestock and products approximated $12,500,000,000 annually.

In 1940, when prices received by farmers averaged around 85 percent of prices paid, gross farm income dropped below $11,000,000,000 and cash farm income from crops and livestock products was $8,350,000,000, or a shrinkage of nearly 50 percent in gross farm income, and a drop of over $4,000,000,000 in cash farm income from marketing.

Price parity for the farm—simply a square deal for the farmer on the basis of 1910–14, or on the basis of the last World War—would have made the American farmer an independent and self-supporting American citizen. It would have taken him out of the Federal poorhouse and made him an income-tax payer for support of the Government.

The farmers of the United States are told, "The good will of the consuming public should not be shattered by grasping for a few extra dollars in the name of farmers."

Though the cash farm income has been reduced by $4,000,000,000 since the last World War, and the gross farm income by nearly one-half, and though acts of Congress signed within the last 90 days guarantee Government support of farm prices and name a price ceiling of 110 percent of parity, a pending bill to stop violation of these acts of Congress is attacked on the grounds of being promoted by selfish interests who shatter the good will of the consuming public by grasping for a few extra dollars in the name of farmers.

In the midst of a war crisis, when the Government demands a new war appropriation of $32,000,000,000 and is now asking Congress for a third huge tax bill, is it statesmanship in the interest of Government finance to destroy the farm-price parity that would enable 6,000,000 American farmers to become income-tax payers for the support of Government instead of Government wards upon the United States Treasury?

In the past 9 years of below parity prices for farm products, the agricultural program has taken $6,000,000,000 from the United States Treasury. Had the farmers of the United States received simple parity treatment during this period, 1933–42, and become income-tax payers instead of being kept, this last or present tax bill may not have been needed. A self-supporting American agriculture—such as that which averaged $12,500,000,000 of cash farm income during the last World War—would give the Nation an income foundation for national defense and for expansion of all income-producing industries.

The total grain production of the United States in 1941—including wheat, corn, oats, barley, rye, flaxseed, soybeans, and grain sorghums—approximates 5,500,000,000 bushels, the record production of a decade. At parity prices, as determined and published by the Secretary of Agriculture, this production may well have added near a billion to farm income and added several millions to the number of income-tax payers for the support of Government.

Let us now take a look at those few extra dollars in the name of the farmers, and, for that purpose compare the income of the farmers in World War No. 1 with their present income in World War No. 2.

An unweighted average for the 5 fiscal years ending June 30, 1916–20, during and ending the last World War, shows that the American farmer, during that period taken as a whole, received, largely due to the heavy export demand for breadstuffs, about 8 percent above parity prices for what he paid for commodities consumed on the farm for production and family maintenance.

This 108 percent of parity prices for farm products, as compared with the 1910–14 index, was plainly due to the following record volume of farm exports which were a prime factor in winning the World War:

United States agricultural exports by fiscal years

1916	$1,518,071,450
1917	1,968,253,288
1918	2,280,465,770
1919	4,107,158,753
1920	3,466,619,819
Total	13,340,569,080
5-year average	2,668,117,816

This export volume of American products, averaging $2,668,117,816 in the 5-year period 1916–20, approximated eight times our farm exports of this second World War to date and were the dominant price factor in the last World War.

Effect of the 1916–20 farm exports in giving agriculture a parity price of 108 percent above the base index was phenomenal in building up the farm wealth and income.

Total value of farm lands and buildings, farm machinery and livestock—see United States Statistical Abstract for 1921—rose from $40,991,000,000 in 1910—slightly above the 1940 figure—to $77,921,000,000 in 1920.

Farm land and buildings alone are statistically estimated by the 1941 report of the Department of Agriculture:

Value of farm lands and buildings:

1920	$66,316,000,000
1940	33,642,000,000

The shrinkage in farm wealth since the 108 percent of parity period approximates 50 percent. British orders giving the American farmer a virtual black-out for exports to Europe—except such recent shipments under the lend-lease program—combined with the present plan of the Commodity Credit Corporation, give the farmers of the United States scant hope to escape the Federal poorhouse—unless Congress unbars the door.

The shrinkage of cash farm income from farm marketing, as reported in the last Yearbook of Agriculture, comparing 1917–20 with 1937–40, is here shown by crop years:

1917	$10,648,000,000
1918	13,464,000,000
1919	14,436,000,000
1920	12,553,000,000
1937	8,788,000,000
1938	7,652,000,000
1939	7,858,000,000
1940	8,357,000,000

Total cash farm income of the United States for the 4-year period, 1917–20, was $51,101,000,000. The shrinkage from the closing years of the last World War to the opening years of the present World War is $18,446,000,000.

Question. At a time when we are trying to raise $7,000,000,000 additional by income taxation—is not a parity price for the farmer, a long-promised goal for agricultural recovery, the most promising method in sight for getting the United States Treasury relief from its hole in the red?

The President, in his recent Budget message, estimates the 1942 deficit at $18,632,000,000, and the 1943 deficit at $42,441,000,000. Why not permit 6,200,000 farmers to step out of the Federal poorhouse, quit being wards on Federal charity, and become income-earning taxpayers as they wish to be? Note: This is still a democracy—not a totalitarian bureaucracy—or is it?

If this great herd of money savers wants to save the people of the United States some money, why sit here idle in this Congress sniping at a bunch of farmers when the records show they are going out of business at an alarming rate? The gentleman from Michigan [Mr. ENGEL] has repeatedly brought evidence before this House that in the war program there is a waste of money that instead of running into millions of dollars runs into billions. He has proved that in the camp construction activities there has been an average waste of 40 percent. Here we are dealing with billions—not millions. Nothing seems to have been done about this matter. All kinds of unconscionable contracts have been made whereby men without a dime to invest have placed contracts that have netted them millions. When we get an economy streak and start out to save, when we see an election coming and want to exhibit the trophies we have won in this House, we let the swindler in war contracts go and proudly exhibit to the audience that we cut $789.99 off some appropriation that would have assisted the farmer. When asked why this was done, I presume the answer will be that O'Neal of the Farm Bureau Federation demanded it.

The chairman of the subcommittee, who has reported this bill, is one of the very careful and conservative men in this House, but in being conservative it has not so unbalanced him that he is ready and willing to destroy the backbone of this Republic—the farmers. He has handled this bill not only ably but in a spirit of fairness seldom equalled in this body. I am prepared to sustain him in this bill. He has what little influence I have in this House and my vote.

Mr. GILCHRIST. Will the gentleman yield?

Mr. BURDICK. I yield to the gentleman from Iowa.

Mr. GILCHRIST. Did the gentleman notice the other day that the figures released by the Commerce Department showed that the farmers were only getting about $8,000,000,000?

Mr. BURDICK. That is right.

Mr. Chairman, I ask unanimous consent to insert in my remarks the tables showing the situation of the farmers 20 years ago and today.

The CHAIRMAN. The gentleman will have to secure that permission in the House.

Mr. BURDICK. Mr. Chairman, these are my own tables.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota [Mr. BURDICK]?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. FLANNAGAN].

Mr. FLANNAGAN. Mr. Chairman, I am afraid there are a great many Members who are not familiar with the Soil Conservation Act. If they will look into it I believe they will find that it is probably the greatest act ever passed in favor of the farmers of America. A nation's strength is measured by the strength of its soil. Millions of acres of land in the United States had been going to waste yearly; this situation has existed for years; and the Congress at last woke up to the seriousness of the situation and wrote into the law what is known as the Soil Conservation Act. The purpose of this act is to protect and to conserve the soil of America. The payment made to the farmer has never been considered a part of the price for his farm products. The payments have no connection with parity. It is a separate set-up, its object being to conserve and rebuild the soil, and these payments are made to the farmer to take care of the extra costs in connection with drainage, terracing the land to prevent washing, and to take out of production soil-depleting crops and plant in their place soil-rebuilding crops.

Now, lo and behold, and for the first time since the statute was passed, we are requiring the farmers, if this amendment is passed, to consider his soil-conservation payments in connection with the price he receives for his farm products. The committee that worked out this piece of legislation never contemplated that these payments would be considered in arriving at parity. It was not contemplated by the House. Yet some of these economy-minded Members, who I am afraid do not know anything at all about the soil-conservation program, are here clamoring that these payments be taken out of the prices of farm products. It is not fair, it is not right, and if you do this you will destroy the greatest single program ever enacted on behalf of the farmers of America. When you do that, you destroy the program, and when you destroy the program you destroy the soil of America, and when you destroy the soil of America you destroy America.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. AUGUST H. ANDRESEN].

Mr. AUGUST H. ANDRESEN. Mr. Chairman, it has been said here that the farmers are demanding this parity money. I have received no communication from any farmer in Minnesota or elsewhere demanding it. All that the farmers are asking is for parity prices in the market place. They would rather get parity prices when they haul their commodities to market than to receive a subsidy from the Government. Those who feel that there will not be any parity funds provided in this bill are badly mistaken. The Secretary of Agriculture and the administration will see to it that farm prices stay below parity so that money can be sent out in the form of parity payments.

The Secretary of Agriculture stated the other day before our committee that if farm prices went to parity in the market the farm program would break down. That is correct. If the farmer gets parity prices in the market, there will be no need for the present farm program; there will be no need for parity payments to be made to the farmers; but the administration will never let farm prices go to parity, because they want to retain regimented control over the farmers of America, and they will retain this control through the sending out of benefit payments. So you may expect that there will be a substantial amount provided as parity payments under the authority given to the Secretary of Agriculture in this legislation.

There are some peculiar and inconsistent things that are taking place. For instance, the administration is selling good milling wheat at a loss of from 15 to 30 cents a bushel. This is Government-owned wheat that it is selling as feed wheat. That may be all right for those who want to buy cheap feed, but while they are selling this Government-owned wheat at a loss they are also collecting a penalty of 49 cents a bushel off the farmer who has excess wheat if he has fed that to the livestock on his own farm. You do not see the administration coming here today asking for the repeal of that 49-cent penalty on excess wheat. No; they still want to have that penalty control over the farmer who may produce a little more wheat so that he can feed the livestock on his own farm. It appears to me that if they are to be consistent they should be here today asking Congress to remove that penalty, which would permit the farmer to feed the wheat that he raises on his farm to his livestock.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Does the gentleman understand the Taber amendment to provide that after adding the market price to the soil-conservation payments they use that as the base and then let the $212,000,000 be used to fill the gap between the sum of those two and parity?

Mr. AUGUST H. ANDRESEN. That is right.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman, I do not know much about the farm problem. But I was raised on a farm in Iowa, the youngest of 10 children. It took the efforts of my father and mother and all of us from daylight to dark to keep mortgages off that farm. We did it. We were required to take whatever the other fellow had to offer for what we raised and to pay the other fellow's price for everything we bought. That was the plight of the farmer many years ago and that is his condition today.

I have owned land and farmed it ever since manhood.

When these gentlemen talk about economy, well, we are all for economy. None of us want to go into the Treasury unless it is necessary. But do not take it out of the hide of the one person who stands in the economic structure of this country unprotected and practically alone as far as being able to control the price he gets is concerned.

This bill provides for parity for farm prices. If these prices reach parity, not one dime is paid under the operations of this bill. If we do not see that he gets parity, then we are lying to and deceiving the American people. The Congress of the United States cannot afford to be a party to such a transaction. If these commodities reach parity, not one dime is paid out under the operation of this bill so where can the harm be to leave the bill as is?

I am reminded of a little history that I recall very distinctly. A few years ago when I first became a Member of the House the former chairman of the House Committee on Agriculture, the Honorable Marvin Jones, was discussing the question of parity. Some men on either side of the House had raised the point that it was a bonus, that it was something they were not entitled to get such as a gift. Mr. Jones gave them a little history, and this is it. It came from the lips of Alexander Hamilton, the first Secretary of the Treasury of the United States, and a Republican. He said:

> If we pass a tariff law, in order to offset that tariff law we must give compensation to the farmers. We must give them something out of the Treasury.

What else did he say?

> Not by way of a bonus, not by way of a subsidy, not by way of a gift, but by way of restitution.

The lawyers in this House know the meaning of the word "restitution"? If I take something out of your pocket, if I take something out of your home, or if I take something away from you that belongs to you, and then give it back to you or give something of equal value back to you in lieu of it, what am I doing? I am making restitution. That is what Alexander Hamilton said we should do.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. SOUTH].

Mr. SOUTH. Mr. Chairman, I am of the opinion that the author of this amendment is neither for parity nor for soil conservation. If that is not a correct statement, I would be glad to have him say so.

This is the beginning of a fight on parity. Mr. Webster says:

> Parity is the quality or condition of being equal or equivalent.

I think that is a pretty fair definition as it relates to the question of parity prices for farmers.

I should like to call the attention of the gentleman from New York to this kind of situation. Soil-conservation payments are often made for terracing or contouring. A farmer may have a thousand acres

of land which he would terrace at a cost of $350, let us say, yet he might not plant enough of a particular crop upon which he could apply for parity to entitle him to more than $100. May I ask the gentleman if he would be in favor of having the farmer pay the Government the difference? And how his amendment would apply to such a case?

Mr. TABER. No; but every move the farmer makes to build up his farm improves the ability of the farm to stand up; it puts the farm in shape so that it produces more and is worth more.

Mr. SOUTH. I cannot yield further to the gentleman, since my time is so limited.

Mr. TABER. That is enough.

Mr. SOUTH. Paying a fair price to the farmer for what he produces and sells is not going to bankrupt the Government, and it is not going to increase the cost of this great defense program in proportion to what some of the administration leaders are now claiming. I suggest to these leaders that if they would agree to "parity" wages for the men who are working in the factories, and parity prices for our farm products, we would be making some progress toward equality. They are striving to keep wages above parity and are fighting to keep agricultural prices below it. This is neither logical, just, nor economically sound.

It is not the aggregate income of the country that counts so much; what hurts our economy is the lack of parity or equality of income as it is distributed over the different sections of the country and among the different vocations, trades, and so forth.

It has taken many years of honest and painstaking toil and effort to work out this farm program. It is far from perfect now. We have had to fight selfish uninformed and misinformed groups and factions with each advance that has been made.

A fair and equitable price for the farmer's products is just as essential during wartimes as it is when we are at peace. That is all we are asking for here, and all we have ever asked for. How can it be justly said that the farmer is demanding exorbitant prices when 24,000,000 farm people, more than one-sixth of our population, had an earned income last year of 8 percent, or less than one-twelfth of our total earned income? Such talk is nonsense, and no one is going to be fooled by it.

There will be very little paid out in parity this year. I am glad such is the case. But let us not destroy the law under which such payments can be made if and when needed.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, I yield to the gentleman from Kentucky [Mr. ROBSION] to submit a unanimous consent request.

Mr. ROBSION of Kentucky. Mr. Chairman, I ask unanimous consent to revise and extend the remarks I made today on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. CRAWFORD. Mr. Chairman, it seems to me there are at least three elements involved in this proposition. One is the price which the farmer receives as a result of direct action taken by the Price Administrator, Mr. Henderson. Another is the amount paid to the farmer under the name of soil conservation. Another is the amount that is necessary to give the farmer parity of price by taking the difference between the sum of the market price received and the soil conservation payment and deducting that from what constitutes parity and making up that difference by whatever is involved in this bill.

It seems some of the experts here construe the Taber amendment as taking out of the farmer's pocket, we might say, the soil benefit payments and using them as part of the funds with which to make up the parity of price. I do not know how anyone can logically or equitably object to a farmer receiving parity of price for his labor in the form of goods which he takes to the market. I have never objected to that, but the thing I do object to is the operation of a price administration in such a manner as to hold down prices in the market so that the farmer cannot get a fair return for his efforts. I think that is now being done. I think it has been done more or less for some years past. A fourth element which I think enters into this proposition is the question of tariff which was mentioned by the gentleman only a moment ago. I believe that those who are watching this program unfold will readily admit that we are moving toward a day when all duties on agricultural commodities coming into this country will be very materially reduced below today's level. If this is to be the program, it seems to me that this parity of price issue is to be constantly before us for some time to come, and if the parity of price appropriation is to be the slide rule or the shuttlecock to accommodate this thing, I guess we will have parity of price appropriations down through the years, war or no war, economic movements or noneconomic movements. This is about the way it appears to me, and I do not know any power that this Congress can exercise and at the same time leave a price administrator free, with the power he has at the present time, to get these prices higher than they are at the present time. I think the Price Administrator is going to do this job just about the way he wants to do it, paying not too much attention to the wishes of Congress or to the legislative intent. This may sound like a harsh charge, but I believe the program is unfolding about that way, and perhaps the farmers will have to take that punishment in whatever form it may come.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Chairman, in the base period, 1909 to 1914, inclusive, I was quite a farmer, hitching up something like 100 head of harness animals in the morning. I know what we had in mind at that time. We were selling our wheat at from 90 cents to $1 in our country. We were paying for a seeder or drill about $90 and for a mower $45 or $50. These were the prices of the eastern manufacturers, for such implements. The things we had to buy as farmers increased by reason of the prices fixed by the industries. Then commenced an agitation in our country as to why we could not do something to meet that situation of fixed farm products. I spent much time and some money trying to organize the farmers in the Northwest so we might have something to say about prices. We went on farming in my country and going broke, gradually, until 1929–30 came, with the crash which carried down farmers, banks, and business.

I came to the Congress 9 years ago this spring. At that time I became a member of the Committee on Agriculture, where I found under consideration a farm bill containing what we knew at that time as the processing tax. We levied a certain amount of money to be paid by the processor, the man milling wheat or the man handling the tobacco or the man preparing it for market, and this was to be distributed to the growers. It was the first approach to parity that the farmer had. Under it, our wheat farmers in my country got about 27 cents a bushel in addition to the market.

When the Supreme Court saw fit to say that the processing tax was unconstitutional, there was born the Conservation Act and parity payments came later. I agree with those who say that we ought not to take the money from the National Treasury for parity payments. I am among the group that believes that the prices paid for the commodities should be the cost of production with a reasonable profit added thereto, and that these costs should be paid by the consumer. Under that idea I have had pending, for a number of years in the Agricultural Committee of the House, a bill known as the certificate bill, which provides a method by which there shall be collected a certain amount of money from the processor, or the miller, the man who handles wheat, tobacco, and rice and other commodities which must be prepared for markets. The amounts which shall be paid for the certificates shall be distributed to the producers who grow the commodities. The idea is to find a legal substitution for the processing tax. It can be done for wheat and cotton, peanuts, and tobacco. It will not work any better for corn than the old corn-hog program which was right in theory, but when we came to put it in practice we found much difficulty in getting paid as the processor of the corn—namely, the hogs and the cattle—were not good paymasters. Therefore, as far as the program on corn was concerned, it was not successful, although it would be so on wheat and cotton.

I am going to vote against this amendment. I feel that the idea is right, but not as we are now operating. I hope the day is not far distant when we will put

on a real program, which means that the men who consume the tobacco and the wheat and other articles will pay the money that should go to the producer.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. GILCHRIST. Mr. Chairman, the gentleman from New York [Mr. TABER] stated a few moments ago that if those of us who are interested in farmers wanted to be fair, then we would go along with him. Last week the Commerce Department released its findings in respect to income in 1942, which amounts to something between $94,000,000,000 and $95,000,000,000. Of that the farmer gets less than 8 percent, although he represents 24 percent of the population.

Mr. CANNON of Missouri. And that in view of the fact that in 1920 the farmer got 19 percent in comparison with the 8 percent he receives today.

Mr. GILCHRIST. Yes; so that when the gentleman from New York wants to subtract the conservation payments from what the farmer ought by right to get, he wants farmers to pay twice for their conservation efforts just as was pointed out by the gentleman from North Dakota. The farmer already pays a full consideration for his conservation payments, and he ought not to be charged for it the second time when we come to computing what he ought to get by way of parity. If you don't believe in parity for the farmer, that is one thing, but if you do, you will vote against this amendment. The farmer does not want to be compelled to become a beggar and go about with a monkey and a hurdy-gurdy, and a tin cup, and come around to our people and say, "Won't you please put a dime in here?" He wants to stand on his rights and sell his product in the open market at a price that conforms to what he ought to get. He wants to get parity for his product and not charity from Congress. It has been said here on the floor and in the press that parity will cause an inflation by $1,000,000,000. Nothing could be further from the truth.

I have here statements about bread. The farmer from a loaf of bread now gets about 1-7/100s of a cent per loaf. Take this package of Pep which I show you.

If you paid the farmer for his share in that at the same price that you pay for the Pep, he would be getting $48 a bushel for his wheat instead of $1.10. If you were to give him his share on the same proportion that you pay for this package of Wheaties, you would be paying him $15.60 per bushel instead of $1.10. Here is a package of corn flakes; by the same token you would be paying him $11.95 per bushel for his corn instead of the 68 cents per bushel which he is getting for it now.

When the old rooster crows, then everybody knows that there will be eggs for our breakfast in the morning. You know what the rooster does? He brings on the dawn. If it were not for the rooster crowing in the morning there would be no dawn, according to the philosophy of some folks, some of whom I think are on this floor. Here is an egg which has not yet been boiled. Last Friday I paid 53 cents a dozen for that egg. The gentleman from Georgia [Mr. Cox] told me today that he recently paid 59 cents per dozen for eggs, while at the same time they were selling down in his district for 15 cents a dozen.

These eggs cost me 53 cents a dozen. Out in my country they are getting only 23 cents a dozen for eggs.

I wanted to tell you more about why the roosters crow in the morning, but I see they will not give me any more time. A few cents to farmers will not bring on inflation except under the philosophy of those who think the crowing of the old red rooster out in the barnyard causes the dawn to come up over the eastern horizon every morning. Fiddlesticks!

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS Mr. Chairman, I have been on the floor this afternoon, and I have talked to several men who, beyond question, have always fought the battles of the farmer on this floor. Those men have said to me:

This Taber amendment seems like a pretty good amendment to me. It seems to me like perhaps it is all right.

Let me say to any of you men who have in mind that kind of an idea, I take my hat off to the gentleman from New York [Mr. TABER]. He has been here a long time. He is an astute gentleman, clever, smart, skilled in the artifices of legislation. I know that the gentleman from New York is neither a friend of parity nor a friend of soil conservation; I doubt if a friend of the farmer. I just want to lay down this warning to you: If this amendment had been offered by a friend of agriculture, I would not have been a bit suspicious of it. Then I would have wanted to dissect it and take it apart and see if it was all right; but, since it does not come from a friend of agriculture, but comes from my friend from New York, I am a bit suspicious of it to start with, because I am positive that the gentleman from New York [Mr. TABER] is making no serious effort to do anything that would be of benefit to the agriculturalists of this country.

Let me tell you what the purpose of this thing is, in my judgment. As has been said heretofore this afternoon, cotton will bring parity. It is now and, no doubt will continue to do so, during this emergency. I am inclined to think that corn and wheat will go up to where there will be no parity payments made on them; where the money provided in this bill will not be needed. But the purpose of this is to get the first foot in the door against parity after the emergency is over. Then you will have this wedge to start on and they will drive it in and broaden the gap until you have broken the Government away from parity.

What is the matter with parity, anyway? Why should not these men who form 24 percent of the population of this country, since the Federal Government has taken unto itself the job of protecting everything and everybody—why should he not have a guaranty of parity? Parity with what? Equality with other classes of people, labor, business, and so on. Surely, it is no more than he is entitled to if the Federal Government is seriously going to continue to protect the wages paid labor, privileges for labor. This farmer is not organized. He is just the man that stays out at the forks of the creek, goes to work at daylight, and works until dark. To do what? To feed the Nation. To feed the Army and the Navy now. You stop him, and this war will be over quick. You need not worry about the farmers making too much money. They are not making much now. They will not make much with parity, and whatever they do make they work hard for, and they are not ever going to get more than they are entitled to.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentlewoman from Illinois [Miss SUMNER].

Miss SUMNER of Illinois. Mr. Chairman, I have heard it said that parity means equality, but my observation on this floor is that parity means to many here something you can pare down from a bill if you do not come from sections where there is agriculture.

Mr. TABER. Oh, now, will the lady yield?

Miss SUMNER of Illinois. I refuse to yield. For a long time our farmers had stable markets for their grain. We had tariff protection until the World War came. Then we had to extend acreage and began to produce more than we had markets for. Our farmers during the 1920 period had a hard time, chiefly, I think, due to the philosophy which grew up in the East, and which dominated Government, that this country ought to be like England, industrialized; everybody working in industry and manufacturing so that we would get all of our grain and all of our food and cotton from foreign countries. I think that dangerous philosophy inspires the arguments made by Members on this floor to which I have alluded. After the depression there came the farm program, which most of our farmers considered a boon to them and to the Nation, since their welfare is reflected in the welfare of little towns and also of the cities.

According to that farm plan, all of us who farm got together, controlled by the Government in much the same way that the railroad industry was controlled, an industry which was equally competitive. Most of us were glad to join that program. We were glad to do whatever was necessary to conform to that program so as to control production and secure fair prices. It seems to me that that was a good program and it will be a good program for the future when the next depressions come.

Today, however, farmers are in a pincers movement. The farmers have on one side the Price Administration experts who are trying to hold down our farm prices below cost of production. On the other side, we have Members in Congress who call themselves the economy bloc, who, however, were silent the day last week when we appropriated three and one-half billion for the Reconstruction Finance Corporation without anything said as to what was to be done with the money, and who are not here many of

the times when some of us walk down the aisle voting to save the Government money, voting to cut down extravagance amounting to millions and even billions.

What does this amendment do? In my opinion, it is as unjust and unfair and impracticable as some of the other amendments that have been offered today, which pretend to favor the poor at the expense of the rich, but which will undermine the interests of the farming business and which are particularly against the interest of the many, many thousands of farm hands and their families whose only jobs are on the big farms, who are neither farm owners nor farm tenants.

What does this amendment do? It states, in effect, that if you are raising a crop—let us say cotton or tobacco, which has already reached parity—you can get your conservation check; but if, on the other hand, you are raising corn or oats or some crop which has not yet reached parity, then you give up most of your conservation checks. What kind of justice is that, I ask you? Was it not Socrates who said:

> The only excuse for representative government is that it offers a better opportunity to give justice to every person and every class of persons, rich or poor, weak or strong.

And remember also that English statesman of long ago who said:

> Tyranny is just as possible in a democracy as it is in a dictatorship unless representatives who hold the power are very careful to deal out equal justice.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Oklahoma [Mr. DISNEY].

Mr. DISNEY. Mr. Chairman——

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield for just a second?

Mr. DISNEY. I yield.

Mr. DIRKSEN. I want the RECORD to be kept clear as showing that the language of the Taber amendment was submitted to the subcommittee by the Department of Agriculture. You will find it on page 48 of the hearings, where the following colloquy occurred:

> Mr. TARVER. In other words, according to this language, you want to charge the farmer in deciding whether he is to get parity or not, for all of his soil-conservation benefits?
>
> Mr. EVANS. Yes, sir.

Mr. DISNEY. That, I presume, Mr. Chairman, is not taken out of my time, because I am not going to discuss parity.

In 1910, Mr. Chairman, our population was 90,000,000; in 1940, it rose to 130,000,000. In 1913, our total Federal appropriations were $700,000,000 per year. Our total Federal expenses in 1940 were $9,000,000,000, exclusive of the emergency defense fund. Servicing of the public debt is going to run to tremendous proportions in a very few years. In a few days we are to extend the public-debt limit to $125,000,000,000; the Secretary of the Treasury has advised us he would be back in about a year, in the fiscal year 1943 or fiscal year 1944, to ask for more. The servicing on the public debt then will run not less than $2,500,000,000 and, possibly, $4,000,000,000 annually.

Contemplate the enlarged Navy and Army we shall have to maintain not very far in the future, running into billions of dollars annually. Then contemplate the possibility of receipts after the war running into some more billions. Then contemplate the size of the average current Budget as such nowadays having advanced from $2,500,000,000 per year in Coolidge's term to, as I said, $9,000,000,000 in 1940, exclusive of the emergency defense fund. So, if you can analyze the situation and come to any conclusion that our annual Budget will not approach more nearly $20,000,000,000 than $15,000,000,000, it will amaze me. We cannot think of it in terms of much less than $15,000,000,000. Fortuitous circumstances might allow us to keep it at that figure, but I cannot visualize it in any other terms unless we learn to run our Government less expensively.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Alabama [Mr. STARNES].

Mr. STARNES of Alabama. Mr. Chairman, I am opposed to the amendment offered by the gentleman from New York [Mr. TABER]. Soil-conservation payments are made to the farmers of America for the purpose of recompensing them for taking lands out of cultivation on which they grow marketable crops from which they receive income. Whether or not you are seeking to achieve parity, and whether or not the American farmer receives absolute parity of income, under the philosophy of the Soil Conservation Act he would still be entitled to remuneration for the land which he takes out of cultivation in order to recompense him for the seed, the labor, and the other expense incident to using those acres for a purpose other than an income. He is not able to sell what he takes off of his land and use it as his income, and for this reason, if for no other, we should not adopt this amendment.

With reference to parity, parity payments are made for the purpose of achieving parity for the American farmer in the economic life of the Nation.

I must confess that I am puzzled at a farm philosophy, if it can be called a farm philosophy, which on the one hand will permit a Federal price administrator to use his powers and the powers of the Federal Government to beat down farm income to a level below that of parity and on the other hand dip into the Federal Treasury and take the taxpayers' money to build that income back up to parity. It just does not make good sense. I am one of those who believe that if you will remove from the American farmer and from American economic life the threat which the Price Administrator holds over the American farmer, it would not be necessary for the Secretary of Agriculture to make one single payment to any American farmer in order for him to achieve parity of income.

As I said in the beginning, regardless of whether the farmer has parity or does not have it, certainly he is entitled to soil-conservation payments. It is purely and simply a case of just restitution to the American farmer for the income that you have taken from him when he goes along with the soil-conservation program.

Mr. PIERCE. Will the gentleman yield?

Mr. STARNES of Alabama. I yield to the gentleman from Oregon.

Mr. PIERCE. Would it not be a far better program if we could so arrange the law that the user of the commodity would pay rather than drawing it from the National Treasury?

Mr. STARNES of Alabama. Why certainly.

Mr. PIERCE. I believe in the law, but we should collect from the man who uses the article.

Mr. STARNES of Alabama. I agree with the gentleman.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WHITTINGTON].

Mr. WHITTINGTON. Mr. Chairman, as I understand, there is only one amendment pending, the amendment offered by the gentleman from New York [Mr. TABER]. Unless there are some other amendments pending, I do not care to use any further time now, but would like to reserve the time allotted to me, if any other amendments are offered to the pending paragraph.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota [Mr. H. CARL ANDERSEN.]

Mr. H. CARL ANDERSEN. Mr. Chairman, I want to take issue in a nice friendly way with the gentleman from Oklahoma [Mr. NICHOLS], in his criticism of the gentleman from New York [Mr. TABER]. Mr. TABER'S amendment is offered in a sincere effort on his part to promote the best interests of the people of the United States. We cannot all see alike upon various issues and I respect the right of either the gentleman from Oklahoma [Mr. NICHOLS] or the gentleman from New York [Mr. TABER] to express himself as he sees fit upon these questions. We are fortunate to have that privilege in America. May we always retain it. When I first heard the amendment offered by the gentleman from New York [Mr. TABER], I thought perhaps it was all right, but the more that I have been thinking about it the more I have come to the conclusion that it is not. Parity for corn and wheat is not assured under his proposal, and therefore I cannot support it. But may I say for that gentleman that he is doing a splendid job of watching out for any possible wastage of money. Had there been more like him in Congress during the last 10 years, much of the W. P. A. appropriations would have gone into national defense works. There is in this parity question no wastage, but simply justice.

Mr. Chairman, I am wondering, and this comes from one who has supported parity ever since he has been a Member of Congress, and speaking as a friend of the soil-conservation program, whether or not we should seriously consider temporarily shelving our Triple A program, until the time comes again when prices fall below parity It has accomplished its purpose as far as parity prices are concerned and agriculture in America owes to that program a great deal of gratitude. I speak as one who has joined

it since its inception. We now are at war and personally I think it would be well to do this, provided we could be assured of parity price for the duration. I would like to see the President promise the farmers and say to us, "We will see to it that commodities will not sell under parity at Chicago." If he would say that to us, and agree to hold corn and wheat up to 100 percent of parity, and agree that Mr. Wickard would refrain from any action toward pushing it down to 85 percent of parity, I would be willing, speaking as an actual farmer, to do away with any possible benefits I might receive out of this bill, and I believe 100 percent of my farmers would agree with me. All they want is parity. We are not grasping. We want enough to pay our bills, educate our children, and stand on the same platform as industrial America and labor.

May I also state that I am opposing this amendment because I do not think, from personal experience, that it will give us the parity on wheat and corn that we are entitled to. As I said before, perhaps it is time now for you and me and all friends of the farmer, and all of us indirectly are the friends of the farmer, to decide whether or not we should temporarily put the Triple A program on the shelf and depend upon honest parity prices received on the market for justice to the farmer. No farmer wants a dole.

I have been turning over this problem in my mind, of farm labor In an address to this House recently I suggested using the C. C. C. boys on the farm, because the farm-labor situation is becoming serious.

No one can foretell how long this awful war will last. We cannot foresee the production possible on our farms in a few years, or the labor available for such production.

I cannot help but think that we should produce now and during the war all that our good lands can produce. The ever-normal granary is a blessing, and why worry about disposing of the wheat, corn, and cotton surplus. We should be thankful instead that we have them. There will be hungry nations to feed.

I think it would be insurance against a scarcity of food if, while we still have farm labor available, we throw down all bars as to production and produce all we can. There is no telling what kind of crops we are going to have, and corn and wheat in the granary might look just awfully good to us 5 years from now—yes, it may mean the difference between victory and defeat in a long drawn out war. Give the farmer parity and he will produce an abundance of food for all.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, I think there has been enough debate on this matter, and I suggest that we vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER), there were—ayes 37, noes 74.

Mr. TABER. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. TABER. Mr. Chairman, I offer another amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 77, line 5, after the word "farm" insert *"Provided further,* That the total expenditures made and the contracts entered into in pursuance of this paragraph shall not exceed in all $212,000,000."

Mr. TABER. Mr. Chairman, this amendment would limit the amount that might be spent under this paragraph to the same figure that has been carried in these appropriation bills for the last 2 years. I hope the House will agree to it and will place a limitation upon what may be done. If prices stay as they are, a total in excess of this sum may be reached. I hope the House will place some limitation on this and not let it go completely out of control.

Mr. TARVER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I see only one objection to this proposal; that is, the farmers of the country will be charged by the newspapers with receiving $212,000,000 in this bill for parity, when as a matter of fact there is no reason to believe that the parity payments under present conditions will anything like approximate that amount. I do not think the farmers will be hurt if you adopt it. If you want to put a provision of this type in the bill, I have no particular objection to it except the one I have mentioned. I feel that if the farmers get only $50,000,000 in parity benefits it will not be particularly helpful to them to have the maximum amount stated in the bill as $212,000,000 so that the press throughout the country can spread the news that the farmers have had $212,000,000 added in this bill. That is what they will say about it, but the farmers will not get the $212,000,000. That is the whole gist of the matter. It is just a question of policy, and it will not save a dollar to the Government to put this amendment in here; and it will not take a dollar from the farmer, in my judgment. It is simply a question of policy as to whether or not you want to do it.

Mr. HOOK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not believe this would be a matter of economy at all. You know and I know that when you start putting figures before some of these bureaucrats down here they think about spending those figures, and they will figure out some ways and means and devise some way to try to use as much of the $212,000,000 as they can, whether or not they use it all. I think as the gentleman from Georgia [Mr. TARVER] does—that we should not have this provision in the bill, because I do not believe it will be in the best interest of economy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 54, noes 73.

Mr. TABER. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. TABER and Mr. TARVER.

The Committee again divided; and the tellers reported that there were—ayes 64, noes 83.

So the amendment was rejected.

The Clerk read as follows:

Salaries and administrative expenses: Not to exceed $3,513,498, of the funds of the Commodity Credit Corporation shall be available for administrative expenses of the Corporation in carrying out its activities as authorized by law, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (5 U. S. C. 821–833); printing and binding; lawbooks and books of reference; not to exceed $400 for periodicals, maps, and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided,* That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further,* That none of the fund made available by this paragraph shall be obligated or expended unless and until an appropriate appropriation account shall have been established therefor pursuant to an appropriation warrant or a covering warrant, and all such expenditures shall be accounted for and audited in accordance with the Budget and Accounting Act of 1921, as amended: *Provided further,* That none of the fund made available by this paragraph shall be used for administrative expenses connected with the sale of Government-owned stocks of farm commodities at less than parity price as defined by the Agricultural Adjustment Act of 1938.

Mr. REED of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REED of New York: On page 78, after line 24, insert the following:

"Provided further, That the provisions of this act shall not apply to the sale or other disposition of any agricultural commodity to or by the Agricultural Marketing Administration for distribution exclusively for relief purposes, nor to grain which has substantially deteriorated in quality and is sold for the purpose of feeding or the manufacture of alcohol, or commodities sold to farmers for seed."

Mr. TARVER. Mr. Chairman, I wonder if it may be possible for us to agree on some limitation of debate. This subject matter involves the same thing we have been talking about for the last hour and a half—parity—and it would seem that we might be able to get along with very little time.

Mr. PIERCE. I have an amendment asking for the striking out of this section.

Mr. TABER. May I suggest that we might close debate on this amendment rather quickly, and then take care of the other amendments as they are reached.

Mr. REED of New York. I feel very deeply about this amendment and I think it really deserves some discussion on my part. I ask that I be permitted to proceed for 5 additional minutes.

Mr. TARVER. As far as I am concerned, I can see no objection to the gentleman's amendment. That is a matter for the determination of Representatives from the wheat and corn areas. If they object to it, they should present their objections. As far as I am concerned, I shall make none. I do not know why the gentleman should desire extra time on the amendment unless there is some disposition on the part of some to oppose his amendment.

Mr. REED of New York. I do not want to talk if we can carry this amendment.

Mr. TARVER. Mr. Chairman, I ask unanimous consent that debate on the pending amendment and all amendments thereto close in 10 minutes.

Mr. HOOK. Reserving the right to object, Mr. Chairman, just what does the gentleman's amendment provide?

Mr. REED of New York. It provides that the Commodity Credit Corporation can sell its grain that has deteriorated to the farmers for feed below the parity price.

Mr. HOOK. Just the grain that has deteriorated, or all grain?

Mr. REED of New York. No; deteriorated grain; and it can sell it to be made into alcohol, and for other war purposes.

Mr. DIRKSEN. Reserving the right to object, Mr. Chairman, the request of the gentleman from Georgia in the form stated would probably preclude the offering of a substitute amendment by the gentleman from Kansas [Mr. HOPE] and might preclude the gentleman from Minnesota [Mr. ANDRESEN] and some others from offering amendments. I suggest that the time be extended.

Mr. TARVER. Mr. Chairman, I withdraw the request for the present.

Mr. REED of New York. Mr. Chairman, the bloody drama which is now taking place in Asia and Russia ought to give us pause for thought. As I have stated many times on this floor recently, we are in war and we are in it clear to the hilt, and our soldiers are bleeding and dying in various parts of the world today.

Now, there is one industry in this country that is vital to the war. Let us make no mistake about it. I refer to the dairy industry—the largest farm industry we have. A great many people think when you mention dairying that your are mentioning something that is not of very great importance. But when you consider that the products sold by the dairy industry exceed the products sold by the motor companies of this country and by the steel companies and many other outstanding concerns, you realize it is a large industry. The Department of Agriculture, in order to feed our Army and the civilians abroad, are asking the dairy farmers of this country to increase their yield of milk from 117,000,000,000 pounds to 125,000,000,000 pounds. I say to you that the dairy farmers, in order to do that, must have feed for their stock. Unless the farmers can get reasonably cheap feed for their stock they never can produce the 125,000,000,000 pounds of milk that is required, neither can they carry out the lend-lease program for Europe. We must have the cheese that is required under the lend-lease program. We must have the evaporated and dried milk and the fresh milk.

I hope you will realize that the feeding of the Army and the civilian population of this country and of the foreign countries is vital to the winning of this war. Right now Java is supposed to have fallen. Australia will be next, make no mistake about that. The next blow will be made at New Zealand, upon which Europe has depended for similar products for many years. In times past it has been one of our competitors. The milk products now will have to come from the United States of America; and they are important. It is food in concentrated form.

So I urge you, rather than let this grain, now owned by the Government, deteriorate and rot and spoil, let the dairy farmers of this country who are called upon to make this extraordinary effort have the benefit of this cheap food for their stock in order to meet the war requirements. I hope the amendment will pass.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. I yield to the gentleman.

Mr. AUGUST H. ANDRESEN. I do not know whether I understood the gentleman's amendment correctly, but it seemed to me it dealt with wheat that has already spoiled.

Mr. REED of New York. Here is the amendment.

Mr. HARRINGTON. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. I yield.

Mr. HARRINGTON. Could not the gentleman arrive at his objective by putting a general parity-price level on all things produced on the farm, dairy products included?

Mr. REED of New York. This is about the only way I could see to work it out at this time in this bill. I do not think it is going to hurt anybody, and I think it is going to benefit the country remarkably well under the circumstances. There is one thing certain: We must change our thinking a little bit in this country. Unless we do change our thinking, unless each group ceases to be selfish, there is a possibility that with all our resources we can lose this war. Here is something that is almost as vital as the manufacture of arms and munitions.

If this amendment will not cure the situation or if it will not do the work in the opinion of the Committee, I have no objection to any substitute amendment that may be offered to it, but the amendment offered was lifted from the Bankhead bill over in the Senate. It seems to me it would do the job and do it well; I hope the Committee will adopt the amendment.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. I yield to the gentleman from California.

Mr. VOORHIS of California. Am I correct or not correct in stating that the gentleman's amendment would apply only to grain which had deteriorated in the case of grain sold for feed?

Mr. REED of New York. Yes; that is the way I understand it. It will also go into the making of industrial alcohol, which is another important factor in the winning of any war.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. I yield.

Mr. HOOK. Does the gentleman think his amendment goes quite far enough? Does he not think we ought to use all of these surplus commodities and put them on sale?

Mr. REED of New York. I do not want to go any further than I think the House will go on this proposition.

Mr. VOORHIS of California. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. VOORHIS of California. As I understood, the gentleman said his amendment applied to commodities sold to farmers for feed, but, as I understand it, the amendment at the desk reads, "commodities sold to farmers for seed." The difference between "seed" and "feed" is very substantial.

Mr. REED of New York. The gentleman is mistaken. My amendment reads in its concluding words:

> Is sold for the purpose of feeding or for the manufacture of alcohol or commodities sold to farmers for seed.

That is taken out of the Bankhead bill.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. O'CONNOR. Is there any assurance that this grain will be used for the purpose of manufacturing industrial alcohol, when now, when we have to import sugar, we are making it out of sugar, instead of out of grain, of which we have 1,800,000,000 bushels?

Mr. REED of New York. The War Department officials have been before the Ways and Means Committee urging means to obtain the necessary industrial alcohol for the Army.

Mr. O'CONNOR. Is it not a fact that not 10 percent or 11 percent of industrial alcohol produced today is produced from grain and the balance is from sugar?

Mr. REED of New York. I do not dispute that at all.

Mr. COFFEE of Nebraska. Would the gentleman's amendment make it possible for the United States millers to use domestic grain for making flour for export in competition with the Canadian grain they could buy and mill in bond and export?

Mr. REED of New York. I had thought, in view of the gentleman's statement, of writing in something about exports, but I did not care to muddy the waters. I do not think it will interfere with that.

Mr. HOOK. Mr. Chairman, I move to strike out the last word. I think that the gentleman's motive is worthy, in the idea that he is trying to bring out, but I do not believe that he is going far enough. The enactment of this section will break faith with other groups, because for a long period we have sought to establish the parity principle for agriculture. Farm prices are now averaging near parity. For beef cattle, hogs, and tobacco, prices are above parity.

We have authorized the fixing of a ceiling at not less than 110 percent of parity for any farm commodity. For some important agricultural commodities, including lint cotton, cottonseed, lambs, and wool, price ceilings could not be less than 120 percent of present parity. It is contemplated that these ceilings would apply to scarce commodities and that the price of surplus commodities would be protected at 85 percent of parity so that the average would be approximately parity. If the prices of surplus commodities are pushed above parity, obviously farm prices would average above parity.

The A. A. A. Act contemplates that reserves would be built up in the case of our major commodities to be used in times of emergency. We now have an emergency and these reserve supplies should be moved into the market when the prices at the market place and the payments equal parity. Payments for corn, wheat, and cotton represent about 15 percent of parity and growers of these crops will get parity when farm prices average approximately 85 percent of parity.

The enactment of the provision in this bill will check expansion of livestock products.

Livestock producers expand production when the prices of livestock products are favorable as compared with the prices of feed. The price of feed is now between 85 and 90 percent of parity. If this price is advanced to 100 percent of parity the increase in production would be checked and we would have smaller quantities of livestock products available. Any action that checks the expansion in livestock production will bring price ceilings and rationing of livestock products on us earlier.

If the price levels of corn and wheat were permitted to increase 10 or 15 percent, as will be the effect if this provision is retained, and the prices of meats are held stationary by the imposition of ceilings, then, obviously, feeding would be discouraged since the feeding ratio would be correspondingly less favorable.

As badly as we need meat products for our own fighting forces and for our Allies, we cannot afford to jeopardize the production program.

The enactment of this provision will reduce market outlets for corn and wheat, tighten the storage situation, and increase transportation difficulties.

Sizable quantities of corn and wheat are being sold for the making of industrial alcohol at prices below the market prices.

Wheat — approximately 100,000,000 bushels—is being sold for feed at the market price for corn, which is less than the market price for wheat.

These sales would be discontinued and the elevators now holding this wheat would not be available for handling the new crop. Consequently, the price of the 1942 crop would be depressed because of less available storage.

Also, wheat on the Pacific coast is being used for feed, and if this were discontinued, it would be necessary to haul corn to that area. This would increase the transportation problem.

It will also reduce the consumption of cotton and tobacco.

Some cotton is being sold for use in making cotton-bale covers and for insulating material at less than market prices. These sales would be discontinued and difficulties would be experienced in getting bale covers except at prices almost twice as high as present prices.

Some tobacco is being used in making nicotine for spray materials. This market will not take tobacco at parity prices. Consequently, these sales would be discontinued with resulting loss to tobacco growers as well as to the users of the spray material.

There is no doubt in the minds of thinking people that off-grade and damaged products would be wasted if this provision remains.

Often some products become damaged or go off-grade in the marketing process. These products must be sold at the market for the particular class of product. Such sales can seldom be made at parity prices. Consequently, the products would rot or would have to be destroyed. We had enough of this burning of corn and wheat under the old Farm Board idea. Let us have none of that in this emergency.

There is no doubt that a restriction against the sale of these commodities will contribute to inflation.

The freezing of supplies would obviously help speculators and contribute to the spiraling of prices. In the end farmers will lose as much or more from the spiraling of prices as any other group. In the long run this action would work to the disadvantage and not to the advantage of farmers.

Mr. TARVER. Mr. Chairman, I wonder if we can arrive at some basis for limiting debate? I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

Mr. WADSWORTH. That is just on the amendment offered by the gentleman from New York [Mr. REED]?

Mr. TARVER. That is just on the Reed amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

Mr. CULKIN. Mr. Chairman, reserving the right to object, how is that time to be divided?

Mr. TARVER. That would be in the discretion of the Chair.

Mr. CULKIN. There seem to be six or eight who want to speak. I would like to have 5 minutes.

Mr. TARVER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 15 minutes.

The motion was agreed to.

Mr. HOPE. Mr. Chairman, I offer an amendment as a substitute for the amendment offered by the gentleman from New York [Mr. REED].

The Clerk read as follows:

Amendment offered by Mr. HOPE as a substitute for the Reed amendment: On page 78, line 20, after the word "that" insert "beginning with the next marketing year for each commodity"; and on line 24, strike out the period, insert a comma, and add "except sales for export and sales of wheat for feed and alcohol."

Mr. HOPE. Mr. Chairman, this amendment, if adopted, would make the proviso read as follows:

That beginning with the next marketing year for each commodity none of the funds made available by this paragraph shall be used for administrative expenses connected with the sale of Government-owned stocks of farm commodities at less than parity prices as defined by the Agricultural Adjustment Act of 1938, except sales for export and sales of wheat for feed and alcohol.

The effect of this would be that this prohibition would not go into effect with respect to any commodity until the beginning of the next marketing year. In the case of cotton that would be August 1. In the case of wheat it would be July 1, the same date as in the bill, and in the case of corn it would be October 1.

Mr. WADSWORTH. Does the gentleman include corn?

Mr. HOPE. No; I do not include corn as one of the exceptions, but there would be no prohibition of the sale of corn at less than parity prices until October 1, under my amendment. That would give time for livestock producers to adjust themselves to possibly higher prices of corn, and would do away with what I am afraid will happen if we leave the language as it is in the bill, namely a killing by the speculators. There are not very many farmers who will have any corn to sell in the next months or until the new crop comes in. There is no reason why we should pass legislation to make it possible for speculators to reap a rich harvest by reason of any price advance that might occur between now and that time. So, as far as corn is concerned, there would be a period in which the adjustment could be made.

Now, as to wheat this amendment would permit sales for livestock feeding or alcohol. Our supply of wheat in this country is constantly increasing. It was 269,000,000 bushels more on January 1, 1942, than it was on January 1, 1941, and 381,000,000 bushels more than it was 2 years previously. There is no outlet for this excess wheat at present, except by its use for feed or alcohol.

Farmers for many years have talked about a two-price system for wheat, whereby part of it would be sold abroad at less than domestic prices. This, in effect, is applying the two-price system to wheat, with the proviso that the low-price wheat shall be sold for livestock consumption and for alcohol.

Mr. HOOK. Will the gentleman yield?

Mr. HOPE. I yield.

Mr. HOOK. I think the gentleman has a very worthy amendment. I think it takes care of the same idea I had when I was speaking, but what I would like to ask the gentleman is this: In his opinion, does he think that corn can be sold for the production of alcohol at parity at the present time?

Mr. HOPE. Well, I do not know. I have no opinion on that, but it would not be affected for the next 6 months, in any event.

Mr. O'CONNOR. Will the gentleman yield?

Mr. HOPE. I yield to the gentleman from Montana.

Mr. O'CONNOR. The gentleman, of course, knows that we are importers of sugar. We only raise about one-third of the sugar that we consume.

Mr. HOPE. Yes.

Mr. O'CONNOR. We have a surplus of grain which the gentleman has so well told us about. Now, does not the gentleman feel that the Government of the United States should make our industrial alcohol out of that commodity of which we have a tremendous surplus, instead of making it out of a commodity that we may have a scarcity of?

Mr. HOPE. Yes. I am very much in accord with the gentleman's views on that matter. I know he has presented them very forcibly and ably upon the floor many times. But I understand that at this time there is some question as to whether we can procure the material to erect the distilleries that will be necessary. That is a problem that will have to be solved.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. HOPE. I yield.

Mr. WHITTINGTON. I am generally in sympathy with the gentleman's amendment, but does not the gentleman want to change the crop year for cotton?

Mr. HOPE. This does not change the crop year. This simply provides that beginning with the next marketing year which is August 1 for cotton.

Mr. WHITTINGTON. Well, it is July 1 as far as cotton is concerned.

Mr. HOPE. In the bill it is July 1, but the marketing year is August 1. I have no objection.

[Here the gavel fell.]

Mr. PACE. Mr. Chairman, I offer an amendment to the substitute.

The Clerk read as follows:

Amendment offered by Mr. PACE to the substitute amendment offered by Mr. HOPE: At the end of the amendment offered by Mr. HOPE add "On sales of cotton required in connection with the present new uses program being carried out by the Department of Agriculture."

The CHAIRMAN. The gentleman from Georgia is recognized for 2 minutes.

Mr. PACE. Mr. Chairman, this amendment simply exempts from the prohibition the programs that we are all very much interested in, the new-uses program for cotton. We are trying to extend the uses of cotton. This would permit the sale of cotton for use for the program we now have on cotton bagging and insulation for houses and other new uses that we are trying to make which necessarily have to be subsidized during the experimental period. This amendment simply permits that to be taken out from under the prohibition.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. PACE. I yield.

Mr. AUGUST H. ANDRESEN. In reading the proviso, the limitation is placed on using any of the funds for administrative expense.

Mr. PACE. Yes.

Mr. AUGUST H. ANDRESEN. Does the gentleman believe that such a limitation will stop the policy of the Department in that respect?

Mr. PACE. I at least hope it will be most persuasive.

Mr. AUGUST H. ANDRESEN. The gentleman recognizes, however, that they could use funds from some other agency, and could do just as they saw fit.

Mr. PACE. Not to avoid specific instructions by Congress.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. PACE. I yield.

Mr. COOLEY. Does not the gentleman believe that the Hope amendment and his amendment would meet most of the objections which have been raised by the Department of Agriculture?

Mr. PACE. I understand that it will meet practically all objections.

Mr. COFFEE of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. PACE. I yield.

Mr. COFFEE of Nebraska. It would not meet the objections of the Department of Agriculture as far as corn is concerned. At the present time approximately 40,000,000 bushels of corn are being diverted into industrial alcohol.

Mr. PACE. I would not attempt to speak for the corn producers.

Mr. COFFEE of Nebraska. One more question: Does not the gentleman believe that this proviso should be eliminated entirely in view of the fact that the Committee on Agriculture is now considering this very matter?

Mr. PACE. Not under the legislative situation. I do not agree with the gentleman.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. CULKIN] for 2 minutes.

Mr. CULKIN. Mr. Chairman, I would like to ask a few questions of the gentleman from Kansas in regard to his amendment.

Does the gentleman freeze the existing deteriorated wheat until the close of the present marketing season?

Mr. HOPE. No; it does not affect wheat of any kind or character in any way except sales for milling purposes.

Mr. CULKIN. Only for milling purposes.

Mr. HOPE. That is all.

Mr. CULKIN. Is that the full effect of the gentleman's amendment?

Mr. HOPE. Yes. It excepts from the provisions all the sales for export and sales of wheat for feed and alcohol. As far as wheat is concerned, everything is exempted except sales for milling purposes.

Mr. CULKIN. I thank the gentleman. The gentleman's reply, of course, is most encouraging and really carries out the scope of the Reed amendment. There is, of course, a great quantity of deteriorated wheat in the country. I understand there is sufficient deteriorated wheat to take care of feeding cattle and dairy uses.

Mr. HOPE. If the gentleman will yield, I do want to confine the sales to deteriorated wheat, the gentleman understands.

Mr. CULKIN. I do not intend to bind the gentleman that way, but it does make this deteriorated wheat available, as it normally would be at all times. Is that right?

Mr. HOPE. Yes; and it makes some new wheat available if it is sold for feed.

Mr. CULKIN. I thank the gentleman. However, the amendment offered by the gentleman from New York [Mr. REED] has the same effect. It carries the exact text of the Aiken amendment in the Senate which was accepted by both sides in the debate on S. 2255. That language has already passed the Senate by an overwhelming vote. I urge that the Reed amendment be adopted by this body.

[Here the gavel fell.]

The CHAIRMAN. The Chair recognizes the gentleman from Iowa [Mr. GILCHRIST] for 2 minutes.

Mr. GILCHRIST. Mr. Chairman, I favor the use of corn and wheat for alcohol distillation, and deteriorated corn and wheat for feed, but I do not think it is fair by means of congressional legislation to substitute wheat for feed for livestock as against corn. It just creates another rival to corn. This is not fair to the corn farmers of the country. Let them meet each other in the open market without congressional favor to either. Alcohol distillation is needed in the war effort—vast quantities of it—and there is the big outlet that we are going to have for both wheat and corn. Every time you explode a shell you use a barrel of alcohol. We must have great quantities of alcohol in our war effort. We do not have enough now.

Mr. JENSEN. Will the gentleman yield?

Mr. GILCHRIST. I yield to the gentleman from Iowa.

Mr. JENSEN. Is it not a fact that alcohol can be processed for less money out of corn than any other grain?

Mr. GILCHRIST. It can be made cheaper from corn than from any other grain. The distillers prefer it above wheat, and I have been advised by experts that they can make it out of corn so as to compete with some of the other things they are now using for making alcohol, such as blackstrap.

A specialist who knows what he is talking about tells me that 2½ gallons of alcohol can be produced from a bushel of corn. At the current price of 50 cents per gallon, this would amount to $1.25 for the corn. Then there is a byproduct about 15 to 17 pounds of high-grade protein feed per bushel of corn. This is salable at the going price of $30 to $40 per ton—say 1½ cents per pound—and this would amount to 24 cents. In addition, about 1½ pounds of high-quality corn oil can be produced from a bushel of corn, and this would sell at about 12 cents per pound and fetching per bushel 18 cents. Add these figures together and you will get $1.67 per bushel for corn when distilled into alcohol. At present levels the manufacturing of alcohol would be a reasonably profitable business, and estimates made when corn was at 60 cents indicates a probable net cost of alcohol running between 25 cents to 30 cents per gallon.

Mr. JENSEN. And the Hope amendmend would eliminate corn, even spoiled corn, from being used?

Mr. GILCHRIST. Under the Hope amendment, you could not use corn for alcohol advantageously.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia [Mr. TARVER].

Mr. TARVER. Mr. Chairman, I do not represent a wheat-producing area, that is, a commercial wheat-producing area, but it seems to me, as I said awhile ago, the language of the Reed amendment is not objectionable, whereas I can conceive of many reasons why the Representatives of the wheat-producing areas would object to the Hope amendment.

As a Representative of a cotton-producing area I also object to the language of the Hope amendment which would defer the operation of this limitation until the beginning of the next crop year. It is true most of the cotton and wheat is out of the hands of the farmer now, but if you permit depression of the market by the sale of these huge surpluses between now and August 1 in the case of cotton and October 1 in the case of wheat, you are certainly going to vitally affect the cotton and wheat prices for the next year.

The Reed amendment is limited to the sale of deteriorated wheat. Under the Hope amendment you could sell any quantity of wheat that you might desire of a marketable character where it is intended to be used for feed purposes. You should not destroy this limitation as to wheat by adoption of the Hope amendment. Of course, the question of whether or not the limitation ought to be had at all will rise upon the consideration of further amendments which will be offered to strike it out, and I do not have time to discuss that now. If you are going to do anything at all with a view to perfecting this limitation, certainly you should not adopt the language of the Hope amendment which would virtually, in my judgment, make the limitation ineffective.

Mr. COOLEY. Will the gentleman yield?

Mr. TARVER. I yield to the gentleman from North Carolina.

Mr. COOLEY. I call the gentleman's attention to the fact—my recollection is that there is a limitation on the sale of cotton, limiting it to only 300,000 bales per month, so I doubt very much if you would run into a bad situation.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, the Hope amendment undoubtedly is a very desirable proposal provided you have the Gilchrist substitute adding corn. I would be willing to go along and add cotton for the purposes that the gentleman from Georgia [Mr. PACE] suggests. If we do those things we will help the situation very much, and it would permit the Government to perhaps get rid of some of the stocks of wheat and corn that are piling up and that may prove a menace to the farmer's market.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. These are Government-owned stocks?

Mr. TABER. Yes.

Mr. AUGUST H. ANDRESEN. Does the gentleman believe they should be sold below the regular market price?

Mr. TABER. Those parts that are deteriorated certainly should, and if we are going to sell them for export we might better sell those Government-owned stocks for export than to sell the Canadian reserves. It would be better for our wheat farmers if that is done than to have the Canadian reserves sold for export.

Mr. REES of Kansas. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Kansas.

Mr. REES of Kansas. I would like to observe that we will get rid of this wheat surplus if we will let the farmers who are paying this 49-cent penalty feed it to their own livestock.

Mr. TABER. That would be a great improvement.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia to the substitute for the amendment offered by the gentleman from Kansas [Mr. HOPE].

The amendment to the substitute was agreed to.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Kansas [Mr. HOPE], as amended.

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 60, noes 76.

So the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. REED].

Mr. JENSEN. Mr. Chairman, may we have the amendment read again?

The CHAIRMAN. Without objection, the Reed amendment will be read.

There was no objection.

The Clerk again read the Reed amendment.

Mr. TARVER. Mr. Chairman, I ask unanimous consent that the language of the Pace amendment which has already been approved by the committee relating to cotton only be added to the Reed amendment. It was agreed to as an addition to the Hope amendment.

The CHAIRMAN. The Chair may remind the gentleman from Georgia that the Pace amendment was an amendment to the substitute which was voted down.

Mr. TARVER. I know that the Pace amendment was added to the substitute which has been voted down, but the Pace amendment was approved by the committee. Therefore, I am asking unanimous consent that it may now be added to the Reed amendment, which has not yet been voted on.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the language of the Pace amendment, as offered to the substitute, be added to the language of the Reed amendment which is now pending.

Mr. H. CARL ANDERSEN. Mr. Chairman, I ask unanimous consent that the Pace amendment be again read.

The CHAIRMAN. Without objection, the Clerk will report the language of the Pace amendment.

The Clerk read as follows:

Amendment offered by Mr. PACE: At the end of the amendment insert "and sales of cotton required in connection with the present new uses program being carried on by the Department of Agriculture."

Mr. REED of New York. I have no objection to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. REED] as amended by the language of the Pace amendment.

The question was taken; and on a division (demanded by Mr. HOOK) there were—ayes 120, noes 12.

So the amendment was agreed to.

Mr. TARVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TARVER: On page 78, line 23, after "Government-owned", insert "or Government-controlled."

Mr. TARVER. Mr. Chairman, I think this amendment, which is perfecting in nature, should be adopted whether you intend to strike out the entire provision or not, because this provision is necessary in order to present clearly the issue which is here involved.

In the course of our hearings, as you will observe by referring to page 67 of part 1 of the hearings, we were advised by officials of the Commodity Credit Corporation that that Corporation was the owner of 157,680,263 bushels of corn, and of 298,321,209 bushels of wheat. We are now advised that, according to the construction which is being placed on this limitation by officials of the Commodity Credit Corporation, the effect of the limitation would be not to interfere in any way with the sale of Government-controlled wheat, since the Corporation denies ownership of any wheat but states that the wheat in question is in producers' pools which the Corporation is authorized to sell, with the duty of accounting to the owners of the wheat in the pools for the difference between their obligations to the Commodity Credit Corporation and the selling price, if any. Therefore, the language of this limitation will not apply to wheat at all if their construction of their relationship to this wheat is correct, unless you insert after "Government-owned" the words "or Government-controlled."

I am simply interested in having the matter presented squarely by the limitation for an expression of the views of the House, and that would not be possible unless the perfecting amendment which I have offered is adopted.

Mr. AUGUST H. ANDRESEN. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. I favor the gentleman's amendment. I think it should be adopted on account

of the construction they have placed on the ownership of their commodities. For instance, on wheat and other commodities, excepting cotton, if it is sold at a loss, then it belongs to the Government, but if it is sold at a profit, then it belongs to the pool. This will eliminate that discrepancy.

Mr. TARVER. I think that is correct. Furthermore, if these officials had testified before us that they did not own any wheat when they came before our committee, the limitation would have been so drawn as to affect the wheat of which they are in control, without regard to the question of ownership; but as you will observe from the page of the hearings cited, they testified they owned this wheat when they came before us, so we merely desire to write this limitation now to make it applicable to the wheat they control, whether they own it or not.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield to the gentleman from New York.

Mr. TABER. Does the gentleman mean that the Government does not own any of this wheat or cotton?

Mr. TARVER. That is what they claim now as to wheat.

They claim they own the cotton and the corn, but they claim this wheat is in a purchasers' pool and they really do not have ownership. They have control, but they have the duty of accounting to those who placed the wheat in their charge for the difference between the amount of their obligations and the selling price, if they get an amount more than the amount of their obligation.

Mr. TABER. Is the statute different with reference to wheat from what it is with respect to corn and cotton?

Mr. TARVER. No; I do not think so. I think this is a mix-up which is brought about, probably, by a misconception of the Commodity Credit Corporation's interest in this wheat. I think it is something we ought to clarify before we vote on this limitation.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. HOPE. It is my understanding that the reason wheat is in a different category than other commodities is by virtue of the provisions of the loan agreement. When the farmer takes a loan on wheat there is a provision by which that wheat goes into a pool.

[Here the gavel fell.]

Mr. AUGUST H. ANDRESEN. Mr. Chairman, I move to strike out the last word.

I would like to call the attention of the Committee to the construction that the Commodity Credit group has placed on the commodities under Government ownership and control. In a letter to me, dated March 3, the President of the Commodity Credit Corporation, Mr. Hutson, writes as follows:

> The only existing statutory limitation upon the sale of commodities by Commodity Credit Corporation is that found in section 381 (c) of the Agricultural Adjustment Act of 1938 (7 U. S. C., 1940 ed., 1381 (c)). This section relates solely to the quantities of cotton which the Corporation is authorized to sell and the prices at which such sales may be made. The matter of authority to carry out this sales program is thus reduced to a question of whether it represents an exercise of sound judgment in liquidating the Corporation's holdings of surplus commodities.

In other words, they hold that the only limitation upon the manner in which they may dispose of Government-owned stocks is in the case of cotton; otherwise they may sell corn, rice, tobacco, or any other commodity covered by the activities of the Commodity Credit Corporation at any price or in any manner in which they decide such commodity shall be disposed of.

Mr. COFFEE of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman from Nebraska.

Mr. COFFEE of Nebraska. I talked to the President of the Commodity Credit Corporation this morning and he states they are making no sales of wheat below $1.32 in Chicago. It seems to me this whole situation is getting into such a snarl it would be much better to eliminate this provision entirely and let the matter go to the Committee on Agriculture where we can give it the time and the attention that it deserves. I understand the gentleman from Oregon [Mr. PIERCE] is going to offer such an amendment shortly.

Mr. AUGUST H. ANDRESEN. It might be advisable to send it to the committee for study, but we should at least know what we are doing here today. As a matter of fact, it is the policy of the Department of Agriculture to depress the market price on farm products so that the price will stay below parity. Such action will maintain operation of the Agricultural Adjustment Act. If the price of farm products goes to parity, then the administration loses its control over the farmers and there will be no checks sent out as benefit payments under the parity program.

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. TABER. What does the gentleman think about the proposition that all of that language beginning on page 78, at line 20, with the words "provided further" will have absolutely no effect whatever?

Mr. AUGUST H. ANDRESEN. I thoroughly agree with that. I do not think it will mean anything at all except to place this limitation on the administrative expense.

Mr. TABER. Then it is nothing more or less than deceiving the farmer.

Mr. AUGUST H. ANDRESEN. Not only deceiving the farmer, but Members of Congress who think they are trying to place some control over the commodities of the Commodity Credit Corporation and their policy.

Mr. TABER. And it will not result in any control whatever.

Mr. AUGUST H. ANDRESEN. None at all, because the President or the Secretary of Agriculture can take funds from some other source and can do just exactly what they have been doing right along, and that is disregarding the intent of Congress in the administration of the law.

Mr. COFFEE of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield.

Mr. COFFEE of Nebraska. In view of what the gentleman from New York has said, and I agree with him, does not the gentleman think the wise thing to do is to strike this provision out entirely?

Mr. AUGUST H. ANDRESEN. So far as I am concerned I feel that we should write definite language in the bill so that there can be no misunderstanding as to the intent of Congress.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. AUGUST H. ANDRESEN. I yield to the gentleman.

Mr. PIERCE. I have an amendment pending at the desk now to strike out the whole thing, beginning with the words "Provided further," and including the rest of that page.

Mr. ARENDS. If the gentleman will yield, have we any assurance that the Committee on Agriculture will do anything about it?

Mr. AUGUST H. ANDRESEN. I might answer that in this way. We pass a law and the Congress has a certain intent with respect to how the law should be administered, and we find these various departments or bureaus interpret the law the way they see fit. Then we have to pass another law here to show how we intended it to be interpreted.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

Mr. PIERCE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

> Amendment offered by Mr. PIERCE: Page 78, line 20, after the word "amended" strike out the colon, add a period, and strike out the remainder of the paragraph as amended.

Mr. TARVER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TARVER. The Reed amendment was in the form of an additional proviso. The gentleman moves to strike out the first proviso, the one already in the bill, but I take the position that he cannot now move to strike out the additional proviso added by the Reed amendment.

The CHAIRMAN. In answer to the parliamentary inquiry the Chair holds that it is in order to strike out the language of the Reed amendment together with the other language already in the bill, because it is simply an amendment to the language of the bill.

Mr. WOODRUM of Virginia. Mr. Chairman, will the gentleman from Oregon yield for a question?

Mr. PIERCE. Yes.

Mr. WOODRUM of Virginia. It seems to me that the matter is left a little confusing. The Reed amendment sought to amend the language which the gentleman is now moving to strike out?

Mr. PIERCE. Yes.

Mr. WOODRUM of Virginia. If the gentleman's motion prevails, it strikes out language which carries the Reed amendment with it.

Mr. PIERCE. Yes.

Mr. WOODRUM of Virginia. And if this language is stricken out of the bill, then there would be no necessity for the Reed amendment.

The CHAIRMAN. That is a correct statement of the situation.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. Yes.

Mr. TABER. It seems to me, Mr. Chairman, that we cannot very well reach and dispose of this amendment now, and that it would be much better than when the House convenes next to consider this bill we started in with debate upon this amendment so it could all be considered together, than to have it taken up now.

Mr. TARVER. Mr. Chairman, it seems to me that there is no reason why the House should not dispose of the amendment offered by the gentleman from Oregon. We have already had 2 hours of debate upon the subject of parity. Why any considerable number of gentlemen would want to speak on substantially the same question raised by this amendment is more than I can understand. Certainly we ought to finish at least this part of the bill now, and I hope the membership will remain until we do so.

The CHAIRMAN. The gentleman from Oregon is recognized for 5 minutes.

Mr. PIERCE. Mr. Chairman, the words I seek to strike from the pending bill by my amendment are, in effect, carried in the Senate bill which passed that body some time ago and is now pending in the Agricultural Committee of this House. We have held partial hearings on that bill. The Secretary of Agriculture was before us one day, at which time he explained the effect of the Senate bill, practically the same as this section which I seek to have removed. It should not appear in this appropriation bill at all, for it is solely legislative. It is a matter of great importance. I wonder why it is being pushed out just this way and why there is so much publicity given to it, and that there is such a campaign in the press from ocean to ocean. I cannot imagine what can be behind it, unless it is a group of speculators who hope to freeze this amount of cotton, wheat, and corn in the hands of the Commodity Credit Corporation so that the speculation may take the place of orderly and safe procedure. It looks wrong to me. I am suspicious of the motives behind it, not of my colleagues, of the promoters. It affects about 120,000,000 bushels of wheat, but that is enough to accomplish their purpose. That statement of amount involved was verified by the Agriculture Department. There is today on hand in the United States 875,000,000 bushels of wheat. Even if this amendment is agreed to there will be 755,000,000 bushels of free wheat, not owned by the Government, that may be sold at any price.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. Yes.

Mr. PACE. The gentleman speaks of speculators. That would not be possible under this language as the prohibition is not effective until the beginning of the next marketing year, which eliminates the speculators.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. Yes.

Mr. HOPE. The gentleman says that this affects only 150,000,000 bushels of wheat. It is a fact that a considerable amount of wheat will be taken over before the 1st of July, when this amendment becomes effective.

Mr. PIERCE. Yes; but this will affect at the present time only 120,000,000 bushels of wheat.

Mr. HOPE. But by the time it went into effect they would have taken over 300,000 bushels more.

Mr. PIERCE. It seems to me this is a matter of such vital importance that it should be thoroughly debated in the Committee on Agriculture and be brought to the floor under a rule, so that we will know what we are doing.

The Senate passed a separate bill with hardly any discussion or attention, evidently without full understanding of its significance. It seems to me it is of real importance. I am afraid the whole program that we have built up for these artificial farm prices is going to break down. I appreciate what has been done for the farmer and I want to hold the gains. It seems to me, when the Government guarantees us a price on wheat and cotton, as it does through its loan value, then we ought to help the Government when it seeks to dispose of this surplus.

The surplus wheat and corn ought to go into feed and into alcohol and into channels where it can be advantageously used for the war program. There are very few places where wheat can be used as a substitute, but it can be used, and if the Government has to take a slight loss on it, it is better than to carry it as a surplus or to freeze it in Government hands. Important factors which must be considered are storage capacity and deterioration.

Mr. PACE. Will the gentleman yield?

Mr. PIERCE. I yield.

Mr. PACE. The gentleman understands an amendment has been adopted permitting its use for manufacturing alcohol.

Mr. PIERCE. Yes; I understand, but I think we ought to strike out the whole thing and bring it to this floor under a rule and discuss it.

Mr. WOODRUM of Virginia. Will the gentleman yield?

Mr. PIERCE. I yield.

Mr. WOODRUM of Virginia. This provision which is under consideration in the Senate is a provision to which the President and the Secretary of Agriculture have expressed very emphatic opposition?

Mr. PIERCE. Absolutely so; and for good reasons.

Mr. HARE. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. I yield.

Mr. HARE. Suppose the House, with the information it now has, should express itself one way or the other, does not the gentleman believe that would have some influence on the Committee on Agriculture?

Mr. PIERCE. It might. I think it is a matter that ought not be considered at this time. I think it has no business in this appropriation bill. The subject is pending in the Committee on Agriculture in this House right now.

Mr. HARE. Does not the gentleman think that the action of the House now would have some influence on members of the Committee on Agriculture as to how they should act?

Mr. PIERCE. The Members on this floor do not have as much information as the Committee on Agriculture has already before it. I do not believe the committee would be influenced by a vote without proper consideration.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. I yield.

Mr. ARENDS. Do you think we will have an opportunity to consider this legislation through action of your committee?

Mr. PIERCE. We have had but 1 day's hearings. It has not come up since that hearing when we had the Secretary before us.

For years we have been attempting to build a sound program of justifiable and basic security for the American farmer. We have made real progress during the past 9 years. We now have the most fair and workable farm program that has yet been devised in any country. We are engaged in a war for survival as a Nation. The outcome of the war will determine the kind of lives we and our children will live. Success will depend on ample supplies of munitions and of food. We must maintain our farm program intact, as we are dependent on it for the all-out "Food for Freedom" campaign. We need it as a means of preventing the damnable spirals of inflation and the disastrous results of deflation. Without the farm program even today we would have agriculture, our greatest basic industry, relegated to a peasantry, facing the future without opportunity and without hope.

There are those among us apparently ready and willing to sabotage and destroy our farm program. There are those among us who are so greedy that, for an additional immediate income, they would, by forced legislation if necessary, start an inflationary movement on agricultural prices which would immediately spiral on to labor and goods, with results almost beyond comprehension. This Nation can never weather another depression such as we have recently been through, and retain its present form of Government. There are those among us who would, through ignorance or greed, discard our program of conserving the soil. Our soils are susceptible to exploitation unless carefully watched. What will it profit if we win the war but at its end find ourselves with agricultural lands depleted beyond recovery through a scorched-earth policy which some of our colleagues evidently fail to comprehend and envision as the inevitable result of their short-sighted proposals. I refer to those who are daily attacking the Secretary of Agriculture and his policies through the press and in the Halls of Congress. Secretary Wickard is charged with the tremendous task of maintaining food supplies, not only for our United States but for Britain

and our other allies as well. He is sincerely and honestly seeking a solution to grave farm problems. He is working for and believes in parity for agriculture. The planning is for production and stock piles to meet any emergency. Supplies of nearly every domestically produced product have been ample. Nearly 7,000,000 cooperating farmers producing to maintain adequate stock piles of all kinds of food are committed to this program.

The Department has been attacked by unthinking people for using surplus stocks of grains, accumulated in the ever-normal granary, for feed to assure additional meat, dairy, and poultry production. These stocks were removed from market channels when not needed, and stored for just such an emergency. To refuse to release these supplies now at reasonable prices is to break faith with the public and the program which made the ever-normal granary possible.

Farmers are supporting this farm program and accepting restraints and sacrifice in order to give their utmost to our Nation's effort. For many years they have actually subsidized consumers by producing food which has brought prices less than parity, actually at a loss. They are receiving parity today, and by a significant majority they are satisfied with parity. Farmers are as patriotic as any group. They have given of their sons who are desperately needed on the farms, and farmer boys are excellent soldiers. They are buying Defense bonds to the limit. They are working longer hours producing additional food so that consumers here and abroad may be assured adequate food at reasonable prices.

Last May, a favorable vote of over 81 percent was cast in the wheat-marketing quota referendum, and last December cotton producers voted favorably by nearly 94 percent in their referendum. These tremendous majorities were voted to sustain marketing quotas, placing the responsibility of caring for any surplus production squarely upon the persons who attempt to take more than their share of the market.

Farmers want the protection of commodity loan programs which remove the necessity of selling a year's production on glutted harvesttime markets. Such marketing practices and controls have for years left farmers at the mercy of speculators. Commodity-loan protection is prized highly by farmers, and they want the program retained and kept sound. They want the pledged products to be used in the best interests of the public. Should these stocks be used for political juggling, as some are now proposing to do, our farmers will protest vigorously and rightfully. Hundreds of farmers in the Pacific Northwest have voluntarily released their loan wheat to the Commodity Credit Corporation, in their desire to move the wheat into consumption before the new harvest comes. Recent estimates indicate a carry-over for July 1, 1942, of 630,000,000 bushels and a new crop is growing that will produce 100,000,000 bushels more than our requirements. These farmers know that United States prices now are twice those of any other country, and they know enough to be satisfied with parity for wheat.

The farmers I know are alarmed at the prospect of inflation. They well remember the high prices of the last war. They remember them because of the deflation afterward that left them with high-priced land and with unbearable mortgages, with rents and costs inflated. They realized too late that inflation spelled their ruin. That is why my farmer friends and I now support the Secretary's plan to maintain fair prices for farm products. We support his plans to secure increased production of meat, dairy, and poultry products, and his plans to retain the services of the grain and milling industry by making Government grain stocks available. We are happy to have kept faith with consumers by producing adequate supplies at fair prices.

I am alarmed and disgusted by the furor which can be created in Washington by the very small minority of real farmers who, by their very greed and noisiness, make it appear they represent the majority and thereby influencing some Members of the Congress. I am alarmed lest we become influenced by this minority and, against our better judgment, allow an irreparable injustice to come upon that larger group of farmers who are so nobly producing food to win this war. Let us come to our senses before we drag into ruin and destroy a farm program that has been years in the building and has received the careful and studied thought of so many able people. In these times of stress and excitement some other plan or scheme may sound more attractive, but let us consider carefully these new schemes and their proponents. Our farm legislation has put agriculture on a sound basis and has assured parity. Let us not destroy it with hasty action dictated by enemies of the program. Let us give our support to those men and to the program that has been proven advantageous and is acceptable to agricultural producers. Let us not entrust agriculture to speculators.

Facts on the wheat supply

	Bushels
Carry-over, July 1, 1941	385,000,000
Production, 1941	946,000,000
Total supply, 1941–42	1,331,000,000
ESTIMATED OWNED BY COMMODITY CREDIT CORPORATION OR UNDER LOAN MAR. 1	
Owned	120,000,000
Under loans maturing Apr. 30	340,000,000
ESTIMATED DOMESTIC DISAPPEARANCE, 1941–42	
Food and commercial feeds	505,000,000
Feed	110,000,000
Seed	65,000,000
Total	680,000,000
Estimated carry-over, July 1, 1942	630,000,000
Estimated production, 1942	793,000,000
Estimated total supply, 1942–43	1,423,000,000
Estimated owned	350,000,000
Estimated new loan	350,000,000

At this time freezing or limiting the sale of C. C. C. stocks would affect but 120,000,000 out of a present supply estimated to be as much as 875,000,000 bushels. That leaves 755,000,000 bushels of free wheat which would be offered freely at 10 to 20 cents under parity.

I desire to put in the RECORD a letter from an intelligent and active wheat farmer in Oregon. This clearly sets forth the point of view of a thinking man in our section, which is financially dependent on the price of wheat:

I am writing you as a wheat farmer and make these statements for your information. I am quite concerned about the legislation that has passed the Senate prohibiting the Department of Agriculture from selling surplus commodities below parity price. Since one or two wheat farmers of eastern Oregon have voiced their protests to their legislators at Washington regarding the "feed wheat" program, I want you to know what many wheat farmers think of it. I am told that this matter has been brought before many of the eastern Oregon farmers in a series of meetings on the "feed wheat program," and that, with the exception of two men who voiced their disapproval, the farmers favored the program and did not object to the wheat being sold for feed at a price 4 cents below the loan value. Hundreds of farmers at the Wheat League meeting at Heppner in December stated in public meeting that they would be glad to let their wheat go for what they had received through the wheat loan in order to have the storage space available for 1942 wheat. Over 3,000,000 bushels of wheat has been raised in Oregon in order that Commodity Credit might have wheat and fill orders from poultry and livestock feeders.

If that bill passes and is signed by the President, this wheat will not be moved out. At the best the storage situation is going to be serious, due to heavy yields in 1941, few exports, and prospects of another good crop.

The Northwest has always had to depend on a program that would sell surplus wheat at a loss, through subsidy, in order to move surpluses. Much wheat will be needed in Russia, but would they pay parity price for wheat? Probably not, and if it is the law that none could be sold below parity, the situation would be serious. This "feed wheat" program gives the small grower who has to buy some feed, some consideration.

Some opposition to marketing quotas has been voiced on the grounds that it made wheat too high priced. The "feed wheat" program lessens that opposition. I seriously doubt if the loan program could continue for long if there can be no plan used that would dispose of wheat at less than parity. With the loan rate of 1941 and A. A. A. payments, the wheat farmer is doing fairly well. As long as the national wheat allotment is not reduced below 55,000,000 acres, and we have quotas and a loan program, coupled with whatever payments may be needed to bring parity to the farmer, the wheat farmer should have no kick. It will be hard to maintain our national wheat allotment unless we are permitted to sell surpluses below parity when such a plan is needed.

Mr. Chairman, the sentiment of Oregon wheat men is clearly expressed in two newspaper editorials, the first from the heart of our wheat section in

Pendleton, the second from our wheat marketing center in Portland.

[From the East Oregonian, Pendleton, Oreg., of February 26, 1942]

AS WE SEE IT

We note that the Senate voted against the President's request to be allowed to sell Government-owned surplus farm products below the parity level, but we are inclined to think the President's attitude was correct and the Senate wrong.

The sale of Government grain below the parity level will not necessarily hurt the growers, because their main reliance is upon the loan program and compliance payments rather than on the market. As long as present loans are made the farmers will be assured of favorable prices.

The President's request was based upon the view that livestock production can be increased by selling wheat and corn at lower than parity figures. That seems logical and there is some justification for seeking to keep meat prices within a proper range. In January the price of meat animals, taken as a whole, were 51 percent above the 1909–14 average whereas grain prices were but 3 percent above pre-World War figures.

In effect, the Senate has acted to assure farmers of something they were already assured. It seems that way at least because it will be difficult to keep a farmer from getting parity when he has loan privileges up to 85 percent of parity and can secure benefit payments that will put him over the top

But food prices have been rising and, according to the February 27 issue of the United States News, are now 19 percent higher than a year ago. If prices continue to advance there will be a tendency to blame farmers and Congress, though the growers may not actually be getting any more than they would if the Senate had complied with the President's request.

This is a good time for people to exercise moderation, and this applies to agriculture as well as to labor.

When prices advance and wages advance there is a tendency toward inflation, and the supposed beneficiaries do not benefit as much as appears on the surface. Real prices and real wages are determined by buying power.

In Germany during the period of inflation wages and farm prices soared to tremendous heights, but that did not mean a thing to the workers or to the German farmers. Inflation did Germany more harm than did defeat in the first World War.

[From the Oregonian (Portland, Oreg.) of February 27, 1942]

UPSETTING A NATIONAL POLICY

The bill, passed by the Senate over opposition of the President, which prohibits sales at less than parity price of Government stock of farm commodities applies directly to 300,000,000 bushels of wheat, 250,000,000 bushels of corn, and 4,500,000 bales of cotton.

These stocks, held by the Commodity Credit Corporation, are commodities on which Government loans were made and not redeemed by the borrower. Which means that the Government made loans in excess of what the producer could obtain by selling the commodities in the open market.

The reported purpose of the Commodity Credit Corporation is to release the stocks of wheat for the manufacture of industrial alcohol, needed in war industries; release the cotton for manufacture of Army clothing, and release the corn for the feeding of livestock, dairy herds, and poultry.

Presumably the Government would sell at prices that would only repay the loans and carrying charges. Eighty-five percent of parity is the rate at which farm commodity loans were made in 1941, but 1938–39 corn acquired when loans were on a lower scale is now offered for feeding at less than 85 percent of present parity prices. Roughly calculated, the difference between 85 percent of parity and 100 percent of parity (parity as of January 15) is about $125,000,000.

If the bill should be finally adopted, the Government would obtain more money for the farm commodities to which it has acquired title, but would pay correspondingly more for its alcohol and Army clothing. It may also be reasoned regarding corn that whatever profits the Government made on the sales would be used for war purposes, and though the consumer of livestock, dairy, and poultry products might have to pay more he should pay correspondingly less in war taxes.

The objection, however, rests in the presumptive effect on general market prices of wheat, corn, and cotton. Though conservation and parity payments made out of the Federal Treasury insure parity prices for the farmer, the price-control bill permits farm products to go to more than parity before a ceiling can be imposed. If Government stocks be sold at parity, the anticipated effect is the forcing of general prices above parity.

Parity price is the price that insures the farmer a purchasing power equivalent to that which he had in 1909–14. It has hitherto been accepted as fair and reasonable. During a period that would have been otherwise much harder for the farmer, a loan system was created to guarantee that farm commodity prices did not fall far below parity. Now some farm leaders in Congress refuse to accept the complementary principle that the Government shall prevent prices from rising far above parity.

Included in farm legislation is a congressional declaration of national policy. It is dual in character. It not only recognizes the right of the farmer to parity prices and parity income, but the right of the consumer to obtain an adequate and steady supply of farm products at fair prices.

The Price Control Act, and now the measure passed by the Senate, in effect strive to upset a balanced policy and give the producer undue advantage over the consumer.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an economy limitation. The gentleman from Virginia [Mr. WOODRUM], of course, would not agree with that, nor would the gentleman from New York [Mr. TABER], but I think I can demonstrate clearly that it is.

We have already passed a provision in this bill which insures to the producers of these five major commodities full parity. You voted for that. It is to be paid out of the Public Treasury if in the market price they do not receive full parity. If the Government uses its Government-owned or Government-controlled stocks so as to depress the prices of corn and wheat below parity prices, then the Government must pay for the personnel expense, to go through the form of paying out these parity payments to the corn and wheat producers, and must, of course, in addition, pay the amount of the parity payments out of the Public Treasury. But if you stop this practice on the part of the administration authorities of playing both ends against the middle by doing like the tumblebug, looking for parity in one direction and then pushing against it in the other, the producers of these commodities will receive parity in the open market, which they are entitled to have. They will not have to go through the procedure of becoming applicants for parity payments from the Government, and the Government will not have to pay out any money from the Public Treasury in making up to them the difference between their marketing prices and the parity prices.

A great deal of talk has been had in certain quarters with regard to what this provision is going to cost the American consumer if it remains in the bill. Some people have mentioned a billion dollars, yet nobody has undertaken to point out wherein the bringing about of parity for corn and wheat will cost the American consumer a billion dollars. Of course, the others of the five major agricultural commodities are either above or substantially at parity now.

I do not represent an area that would be affected one way or the other by this provision, in all probability.

Mr. PIERCE. Will the gentleman yield?

Mr. TARVER. Not at this time. A little later I hope to. This is a provision which ought to be of particular interest to the Representatives from the corn and wheat areas of the country.

Now, here is what we tried to stop. It is set out on page 16 and the following pages of the hearings in the testimony of Secretary Wickard. He tells us what he is doing and what he expects to continue to do. I quote briefly:

> Since we did have a great supply of corn on hand it seemed to me the thing to do at that time was not quickly to raise up to 100 percent of parity the price of corn and all of the animal products which are related to corn, so far as feed is concerned. I had a talk with the President about this and I also talked to Members of Congress So today we are offering to sell corn at 85 percent of parity. In other words, frankly, we are now able to control the price by offering to sell our Commodity Credit-owned stocks.

So what the Secretary of Agriculture is proposing to do is to manipulate the corn and wheat markets. He frankly admits it.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. TARVER. It is not a question of supplying legitimate needs of the consuming interests of this country for corn and wheat and for corn and wheat products. It is a question of dumping several hundred thousand bushels of corn on the market if the Secretary feels that the price of corn is going too high; and he says that if it goes over 85 percent of parity he does think it is going too high. He intends to "bear" the market before these commodities reach parity, thereby going against the very program which has been insisted upon in this country by the Congress for so many years of trying to bring about parity conditions in the market for at least these major agricultural products.

There were several gentlemen who interrupted, Mr. Chairman, and I would like to yield to them. I yield first to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. The effect of the Secretary's procedure in dumping this corn on the market below parity, at 85 percent

of parity, will be to compel larger payments out of the Treasury.

Mr. TARVER. Absolutely so. If we want to save money for the Treasury we ought to vote for this limitation.

Mr. CULKIN. And to continue the present bureaucracy in office and to keep a string on the farmers.

Mr. TARVER. I am not prepared to go to the full extent of the gentleman's implications, but I do say that to vote for this limitation is to vote for economy, because if the consuming public does not pay the farmer parity for his products under the provisions of the bill the Federal Government will, out of the Federal Treasury.

I want to say this further, if you will pardon me just a moment: We just passed a price-fixing bill. It could not have been passed except for the inclusion in that bill of what is known as the Brown amendment, providing limitations above parity for farm commodities. I say it does not make any difference who is responsible for it, it is bad faith toward the farmers of this country to secure the votes of their representatives for a bill upon the assumption that no minimum ceilings for farm commodities below the levels fixed in that bill are to be fixed by any authority, and then having not the Office of Price Administration but the Commodity Credit Corporation undertake to evade the law by the use of these Government-owned and Government-controlled farm products to keep the prices down, not only below the levels fixed in the price-fixing bill, but below parity itself.

Mr. COFFEE of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. COFFEE of Nebraska. Will the gentleman tell us, please, what force and what influence is maintaining the present price of corn and wheat? Is it not due to the Government loan program that is being followed today?

Mr. TARVER. I venture to say that the Government loan program is having a tremendous effect in that direction; but the fact that the Government through the instrumentality of one program has enabled corn and wheat to go closer to parity than they otherwise would have does not, in my judgment, justify the Government which has tried for years to do everything it could to get parity for the farmer to stop 15 percent short of parity or any other degree short of parity. I think it is your duty and mine, and the duty of this administration, to do everything in our power to give the farmers what we promised them.

As far as I am concerned I am not going to vote against any proposition which might have a tendency in that direction.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. O'CONNOR. I want to get this clear; supposing the Government sells the surplus corn and wheat it has control of or owns for less than parity, does that relieve them in any way from making that sum up in paying parity for the price for the crops owned by the farmers?

Mr. TARVER. I have explained that if the parity price is not obtained by the farmer in the open market the Government is going to have to pay it. It is just a question of whether the consumers of corn and wheat shall pay a fair price for it or whether they shall have a part of that price paid for them by the Government.

Mr. O'CONNOR. Then there is no point in the Government selling that stuff below parity.

Mr. TARVER. I agree with the gentleman.

Mr. H. CARL ANDERSEN. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. H. CARL ANDERSEN. I compliment the gentleman from Georgia upon knowing what are the facts in this case and that if we vote to strike out this particular section we are voting to keep corn and wheat at 85 percent of parity.

Mr. TARVER. I thank the gentleman for his contribution.

Mr. CANNON of Missouri. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. CANNON]?

There was no objection.

Mr. CANNON of Missouri. Mr. Chairman, this is the most destructive amendment that could be offered. The adoption of such an amendment would bring more disastrous consequences to agriculture than any action that could possibly be taken by the predatory interests which are planning to use price control to confiscate the farmer's products at less than the cost of production.

For 2 long years we have been struggling slowly, painfully, laboriously to establish the principle of parity. And what is parity? Parity is lowest price that will keep the farmer's head above the rapidly rising cost of everything he must buy. It is the minimum price the farmer must get to barely break even with the rest of the world.

Just an even break is all he is asking. And now this amendment proposes at one fell blow to wreck the work of years and leave the farmers—the most deserving, the most faithful, and the poorest-paid group in America—without any assurance of even a decent wage for their labor or a decent standard of living for their families.

This amendment proposes to give the Secretary of Agriculture the power to sell Government stocks of farm products taken over by the Government when farmers have been unable to repay loans for which these products were security. It proposes to eliminate the provision under which these products shall not be sold at less than parity. It does not prevent the sale of these stocks, as many newspaper accounts would lead you to believe. Under this bill they can be sold freely as long as they are not sold at less than parity. As a matter of fact, there will be no trouble at all in disposing of all such stocks in record time at parity prices.

But the Secretary of Agriculture is not so much interested in selling them as he is in selling them at less than parity. Because the price at which he sells any of them fixes the price of that particular commodity throughout the United States. Cotton is selling in the open market at 19 cents, but if the Secretary announces he is selling Government cotton at 16 cents the price everywhere drops to 16 cents, because no one will pay private owners more than the Government will take. If the price of wheat is $1.04 in the open market and the Secretary begins to sell Government wheat at 95 cents, immediately the price of wheat is 95 cents, and nobody will pay a penny more.

It is not merely a question of the Secretary of Agriculture having this power. It is not a mere potential proposition. It is a practical matter of forcing down the price of farm products whenever the Secretary chooses to force them down, and that is what he is doing every day. He has been holding down prices below parity for months.

The Secretary of Agriculture testified both before the subcommittee on agriculture and the subcommittee on deficiencies that he had been making it a practice to sell these Government-owned stocks—not for the purpose of decreasing Government holdings but to keep down prices. The Government does not want to sell these stocks. It wants to keep them to control farm prices. All stocks could have been sold long ago at more than they cost the Government. For it must be remembered that the Government bought these stocks at 56 percent of parity and can now sell them at full parity at a clear profit. But the Secretary does not want to sell them. He is not going to sell them. He is keeping them to control farm prices and selling only in small lots just large enough to establish subparity prices. Not only has the Secretary testified he is using them for that purpose but it has been repeatedly reported in the press. For example, the United States News, one of the most reliable and most valuable publications that comes to your desk, says in its issue of February 6, 1942:

> Effect of the new price-control law should not be discounted.
>
> Tendency has been to argue that this law will prove ineffective; that its failure to permit rigid ceilings on farm prices and wages would upset it.
>
> However, * * * Farm Secretary Wickard expects to hold corn, cotton, and wheat prices in line by sale of Government-owned stocks at or below parity.

The effect is shown in the following release from the Associated Press:

> FARM PRICE INDEX DECLINES TO 1 PERCENT BELOW PARITY LEVEL
>
> The general level of local market prices of farm products declined four points during the month ended February 15, the Agriculture Department reported yesterday.
>
> This downturn dropped the farm price index 1 percent under parity with prices of nonfarm products.
>
> Poultry products led the decline with a loss of 12 points. Substantial reductions also were reported in prices of truck crops and tobacco. The fruit price index was 4 points lower, and dairy product prices were down 1 point.

The Department said the general level of prices paid by farmers for commodities continued to rise during the month, with greatest advances reported in prices for food, clothing, and feed.

Let me appeal to the House's love of fair play—to its traditional sympathy for the under dog. More is being asked of the farmer than of any other group and less is being paid him. They are asking him to produce huge supplies of food and at the same time taking from him both labor and machinery. The draft and the exorbitant wages paid by war plants have stripped the farm of all except the children and the aged. Machinery to take the place of labor cannot be secured or is available only at prohibitive prices. They are demanding that the farmer make bricks without straw.

Notwithstanding these almost insurmountable handicaps he is delivering the goods. He is contributing more than his share toward the winning of the war. There are tragic bottlenecks in the production of planes, guns, and tanks. There are costly bottlenecks in their transportation to the front. But there are no bottlenecks on the farm. The farmers are delivering every ton of food required of them and delivering it on time. Be it said to their everlasting glory, the farm group is the only group in America today that is functioning 100 percent in the program laid down for winning the war.

And yet, the farm group is the poorest paid group in the Nation today. While industry is charging the highest prices ever paid for production facilities—while labor is receiving the highest wage scale in the history of the world, while transportation is levying the highest tariffs ever exacted—the heavy hand of the price-fixer and the market-rigger is laid on the farmer and he is denied even the parity guaranteed him under the law.

Most significant of all, the farmer is the only group to voluntarily accept a reduction of income. The sky is the limit in wage scales but the farmer, speaking through his farm organizations, has agreed to accept bare parity both of wages and income. Whereas he received 35 cents for cotton, $24 for hogs, $2.40 for wheat and similar prices during the last war, he is agreeing to accept less than half those prices now although every other group in the Nation is getting twice what they got in the last war, and he is doing the finest job of all.

If there is a word of commendation to be said for anybody, who is better entitled to it than the farmer? And yet—as incredible as it may seem—he is being maligned and abused and misrepresented and kicked about without mercy. Every metropolitan newspaper is filled with vituperation and abuse of the farmer. He is branded as selfish, greedy, and grasping. The price of every industrial product in the United States has advanced in the last year but nothing is said about selfish, grasping, or greedy manufacturers. The wage scale of every labor group has doubled, but no newspaper applies such opprobrious epithets as are daily applied to the farmers. The railroads recently received a rate increase of 10 percent and not a paper abused them. But the farmers—doing more and getting less than any of them—are pilloried as racketeers and profiteers by the patrioteers who want to live at their expense.

Now I want to be charitable. I believe it is the result of misinformation. In some notable instances I am certain that is the case. For example, the President of the United States a day or two ago is said to have expressed the opinion in a press conference that to give the farmer parity would increase the cost of food to consumers a billion dollars. It has been my privilege to cooperate with the President in his farm program ever since the crucial days of 1933 and I have on more than one occasion inserted in the RECORD personal letters from the President declaring his approval of progressive agricultural programs. It is evident he has been misinformed. Farm parity will not cost consumers either a billion dollars or any comparable part of a billion dollars. Such statements are fantastic in the extreme, as indicated by the accompanying correspondence between Senator BANKHEAD, of Alabama; President O'Neal of the American Farm Bureau Federation, and the Department of Agriculture:

UNITED STATES SENATE,
COMMITTEE ON APPROPRIATIONS,
March 4, 1942.

Mr. EDWARD A. O'NEAL,
American Farm Bureau Federation,
Washington, D. C.

DEAR ED: I requested the Department of Agriculture to send me the statement prepared by them upon which Secretary Wickard and the President stated that the increased cost to consumers on food would be a billion dollars if S. 2255 became a law. I have received the statement and am enclosing you copy of it. Have you got anybody who can analyze this statement and demonstrate its unsoundness? It seems to me absurd that the difference between 85 percent of parity and the parity price in corn and wheat would bring about a difference of 5 percent annually in the total cost of the food bill.

If you develop any helpful information please let me have it.

Sincerely yours,

J. H. BANKHEAD.

[Enclosure.]

ESTIMATES OF EFFECTS UPON FOOD COSTS TO CONSUMERS WHICH WOULD RESULT FROM PROHIBITION OF COMMODITY CREDIT CORPORATION RELEASE OF WHEAT AND CORN STOCKS AT PRICES BELOW FULL PARITY EQUIVALENT

(S. 2255, Mr. BANKHEAD; H. R. 6564, Mr. HARRINGTON; February 9, 1942)

The provisions of S. 2255 and H. R. 6564, prohibiting the sale of any agricultural commodity held by the Commodity Credit Corporation below full parity price, would be held principally in wheat and corn. Wheat prices could rise about 11 percent above present levels before Commodity Credit Corporation release sales would be permitted. Corn prices could rise 17 percent with effective prohibition on sales by the Corporation.

The rise in corn prices would be felt strongly in costs of feed for livestock and dairy production. These increased feed costs would severely retard our progress toward production goals in certain farm products unless offsetting rises in prices of meat, dairy, and poultry products should occur. Assuming corn prices rise by 17 percent and wheat prices by 11 percent, these offsetting price rises may be estimated as of January 15, 1942.

The price of hogs would have to rise by 17 percent—from $10.55 to $12.35—in order to maintain the present corn-hog feed ratio and maintain present progress toward production goals.

To maintain present rates of corn feeding of beef cattle, prices of finished classes would have to rise substantially, with a probable increase of 5 percent in the farm price of all beef cattle—from $9.77 to $10.25.

To maintain progress toward the production goals the farm price of dairy products would have to advance about 10 percent, and farm prices of poultry and eggs should rise by 13 percent.

In the cost of raw-food materials these price increases would amount to 3.4 cents per pound for retail pork products, 1 cent per pound for beef cuts, 20 cents per hundredweight for milk used in dairy products, 2.2 cents per pound for dressed chickens, 4 cents per dozen for eggs, 0.3 cent for the wheat used in a pound of flour, and 0.2 cent for the wheat in a pound of bread.

The price increases which would be needed to keep our production goals program in balance under the terms of the proposed bill would result in higher food costs to consumers. We estimate the resulting rise in national annual food costs to consumers would exceed $1,000,000,000, or an increase of nearly 5 percent in the total annual food bill.

MARCH 6, 1942.

Hon. JOHN H. BANKHEAD,
United States Senate, Washington, D. C.

DEAR SENATOR BANKHEAD: In response to your request for my comments on the Department of Agriculture's statement that enactment of S. 2255 would increase food costs by one billion dollars, I submit the following:

The Department estimates that S. 2255 would permit prices of wheat and corn to rise by 11 and 17 percent, respectively. Unless these increases were pyramided outrageously in the channels of distribution into excessive retail prices, there is no reason whatever to assume that the resulting increase in the Nation's food bill would amount to more than a small part of a billion.

The Department has stated that hog prices would have to increase by 17 percent in order to recompense hog feeders for the increased corn price. I challenge this assumption. On February 15 the average farm price of hogs was $11.64 per hundredweight and the parity price of corn was 94.4 cents per bushel. In other words, 100 pounds of live pork would pay for 12.3 bushels of corn at the parity price. The historic corn-hog feeding ratio is only 11.5 bushels of corn to 100 pounds of pork. In other words, hog feeders are satisfied when 100 pounds of live pork pay for 11.5 bushels of corn. Therefore, it is apparent that no increase in hog prices whatever would be needed to maintain a satisfactory feeding ratio. It should be noted furthermore, that hog prices have increased materially since February 15.

It should be remembered that 75 to 80 percent of the corn grown is fed on the same farm that produces it. A change of a few cents a bushel in the corn price would, in itself, have only slight effect on the volume of meat, dairy, and poultry products produced on these farms. Anybody who has grown up on the farm knows that any statement to the contrary is ridiculous.

As far as wheat is concerned, let us remember that a bushel of wheat produces at least sixty-two 1-pound loaves of bread. Everybody knows that the price of the wheat is only a minor factor in determining the cost of a loaf of bread.

However, the important question at issue is not the amount of the increase in food prices that might result from enactment of

this bill. The real question is whether or not the farmers are entitled to the increased prices (parity prices) for wheat and corn that would result. On that point, may I call your attention to the fact that for nearly 10 years the present administration has pursued a national farm policy designed to restore farm prices to parity in order to assure for farmers a fair share of the national income. The parity concept is written into the law of the land in several pieces of legislation. In the face of this fact, it is difficult to understand why the administration should now deliberately plan to dump surpluses on the market at less than parity prices in order to prevent wheat and corn prices from rising to parity.

To argue that S. 2255 should not be enacted because it would lift food prices is simply another way of saying that farmers are not entitled to parity prices. If that is the official attitude of the administration, farmers would like to know it.

In the past, when less-than-parity prices for farm commodities have prevailed, farmers have asked for and have received Government payments to partially bridge the gap between market prices and parity. The result was near parity for the farmer and low-priced food for the consumer. That arrangement was the best that could be devised at the time; but now, when consumers have higher incomes than ever before in history, there is no valid reason for the Government to pay part of the consumer's food bill in this way. The Federal Government today needs every tax dollar it can raise to fight the war; therefore it is imperatively necessary to eliminate the need for farm parity payments by giving the farmer full parity in the price he receives for his commodities.

If the provisions of the price-control law are made effective, it will be impossible for the farmer to get excessive prices. If retail food prices are permitted to rise unduly, it will be because of excessive distribution costs. Certainly such a development cannot be blamed on the farmer. If the most optimistic forecasts are realized for this year, the 25 percent of the population which is engaged in agriculture will receive only about 12 percent of the national income. Can any reasonable man say that this share is too great?

In summary, I will say: First, that, in my opinion, the enactment of S. 2255 would not result in an increase of a billion dollars in retail food prices unless the resulting increases in the price received by the farmers are grossly and unfairly pyramided in the channels of distribution; second, that farmers are rightfully entitled to the parity prices that would result; and third, that consumers are abundantly able to pay the small increase in food prices that would be justified by a few cents' increase in wheat and corn prices.

Sincerely yours,

EDW. A. O'NEAL,
President, American Farm Bureau Federation.

But why this sudden interest in the consumer. The consumer has been much harder hit many a time before and no public notice taken of it.

When railroad rates were increased 10 percent a few days ago—although for the month of January the net income of class I railroads was 30 percent more than the same month last year, not a word was said about what the cost would be to the consumer, although it was heavy.

When the wage-and-hour bill and the labor relations bill were passed—and I voted for both of them, and will continue to vote for them—no interest was taken in their effect on the consumer and no public statements relative to the consumer were forthcoming.

Last week the price of soda crackers at the local groceries was raised from 10 cents a box to 12 cents a box—an increase of 20 percent. There is nothing in a cracker but flour and water with a little salt and soda. The only appreciable constituent is wheat. But the farmer receives less than 2 cents for the wheat in a box of crackers. The farmer got nothing out of that extra 2 cents charged the consumer. The entire 20 percent increase went to industry. And yet nothing appeared in the press about the cost to the consumer.

Will somebody explain why it is that nothing is said when industry, labor, and transportation increase the consumer's costs 200 percent of parity but the welkin rings when the farmer, carrying his heavy load faithfully, dependably, and patriotically, asks for bare parity.

And now, after we have legislated for every other group, after the Congress has provided legislative floors for wages and has, by law, guaranteed returns on capital investments, this amendment seeks to take from the farmer his one wee lamb—legislative recognition of parity. That recognition must be preserved at all cost. Agriculture must cling to parity as a woman clings to her virtue. If the principle of parity is lost all is lost, and after the war will come the deluge. We appeal to the House to render one pitiful service to the underdog and help us defeat this amendment.

[Here the gavel fell.]

Mr. COFFEE of Nebraska. Mr. Chairman, I am taking the floor to support the amendment offered by the gentleman from Oregon [Mr. PIERCE]. His amendment would strike from the bill the following language:

> That none of the funds made available by this paragraph shall be used for administrative expenses connected with the sale of Government-owned stocks of farm commodities at less than parity price as defined by the Agricultural Adjustment Act of 1938.

This prohibition will not accomplish the results the sponsors hope to obtain because this is a restriction on administrative expenses only. We all know that the Department of Agriculture may transfer funds for this purpose from one bureau to another. I am just as anxious as the gentleman from Missouri is to have the farmers receive parity prices for their products. We differ as to the means of obtaining that objective.

We have a very large surplus of wheat, corn, and cotton in this country. The present price levels have been maintained only because of the Government price-supporting loan program. I sponsored in the Committee on Agriculture last year the amendment to the marketing quota bill which resulted in mandatory loans by the Commodity Credit Corporation of 85 percent of parity on corn and wheat and the other basic agricultural commodities. This loan program has raised the price level on wheat from 56 percent to more than 90 percent of parity. This loan program has increased the farm income in my State by many millions of dollars. I want this loan program to continue, but how can we ask the Commodity Credit Corporation to support the prices on these surplus commodities without giving them some latitude in disposing of stocks that they acquire?

If the sale of Government-owned stocks of farm commodities is prohibited at less than parity price, all exports of wheat and flour from this country will stop. Domestic millers can purchase Canadian wheat for less than 60 cents a bushel. This wheat can be ground into flour under bond and exported without paying any import duty. Since there is a large surplus of wheat in Canada and Argentina as well as in the United States, and since the price of wheat in Argentina and Canada is much less than the Government-supported price in the United States, it stands to reason that wheat and flour to be exported must be subsidized. The chief problem confronting the corn and wheat grower is to facilitate the orderly liquidation of the surplus that has accumulated in the hands of the Commodity Credit Corporation and to prevent a reenactment of the Farm Board fiasco.

Unless we can move an increased quantity of wheat and corn into export, livestock, and poultry feed channels, or into industrial alcohol or some other industrial use, we will not have storage facilities to take care of this year's crop that will soon be coming into the market. With all of this surplus on hand, we are in no position to force artificially higher prices.

It should be understood that 90 percent of the corn is marketed through livestock. Most farmers are more interested in the price of hogs, lambs, and cattle than they are in the price of corn itself. Corn is purchased from one farmer and sold to another. Since Congress has authorized Mr. Henderson, under the price-control law, to place a price ceiling on livestock and livestock products at approximately prevailing prices, I am very fearful that any artificial price boost that is given to corn at this time would invite Mr. Henderson to "crack down" on livestock prices. The lamb feeders are making no money and the cattle feeders are making a little money with the present price differential between corn and fat cattle. Should a price ceiling be placed on cattle, hogs, and lambs, the result would be very harmful to the livestock industry and, in my opinion, would curtail the production of meat. If rationing cards followed the establishment of price ceilings, it would reduce the consumption of meat. All of this would be very disastrous, not only to the livestock feeder but to the corn producer and the consuming public as well.

If the present loan base can be maintained, and if we will allow the economic laws of supply and demand to eliminate this surplus wheat and corn, I am convinced it will be to the best interests of the farmers in the long run.

[Here the gavel fell.]

Mr. COFFEE of Nebraska. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

Mr. POAGE. Reserving the right to object, Mr. Chairman, I have no objection to the gentleman's proceeding for 3 additional minutes, but I should like to know if some of the rest of us will get a chance to proceed for at least 3 minutes.

Mr. MARTIN of Massachusetts. Mr. Chairman, reserving the right to object, may I ask the gentleman when we may expect the Committee to rise. There are about 50 Members here who want to discuss this matter, and obviously we cannot finish the consideration of the bill tonight.

Mr. TARVER. I may say to the gentleman that while quite a number of gentlemen apparently want to talk, we had about three and a half hours of debate on substantially this same question, and I was hopeful that the Committee might be willing to vote to close debate on this amendment at 6 o'clock. I do not know whether they will or not, but after the gentleman has concluded his speech I intend to move that debate on this amendment close at 6 o'clock, and we will see then whether or not the House wants to stay here until late in the evening.

Mr. MARTIN of Massachusetts. Will the gentleman accept an amendment when he offers his motion that the Committee rise immediately?

Mr. TARVER. I do not think that would be in order, but I am sure the gentleman is willing to do whatever the Committee wants. I expect to offer the motion and let the House express its wishes in the matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. COFFEE of Nebraska. Mr. Chairman, if the Pierce amendment is agreed to, it will eliminate the Reed amendment. Also, if the Pierce amendment is adopted, there will be no restrictions that would prevent the Commodity Credit Corporation and the Agricultural Marketing Administration from doing everything that is permitted under the Reed amendment.

To freeze these Government stocks of grain involves a great many economic problems and such legislation should not be attached to an appropriation bill. This legislation is a matter for the Committee on Agriculture to consider, not the Appropriations Committee. The Committee on Agriculture has already held 1 day's hearing on this so-called Bankhead bill and has jurisdiction over legislation of this nature. It is in a position where it can consider and perfect legislation whereas the Appropriations Committee has tried to handle this entire question in five lines, all predicated on the theory that no funds would be made available for administrative expenses connected with the sale of Government-owned stocks of farm commodities at less than parity price.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. COFFEE of Nebraska. Yes.

Mr. O'CONNOR. Is it the gentleman's construction of this provision sought to be stricken out that funds may be transferred from some other source and this grain disposed of at less than parity?

Mr. COFFEE of Nebraska. Yes. If the administration wants to carry out the present program they can do it in spite of this prohibition. This is only a limitation on the funds available under this paragraph for administrative expenses. Funds may be transferred from one bureau to another—administration expenses could be paid out of the President's emergency funds.

Mr. O'CONNOR. In other words, they could take the funds from some other source.

Mr. COFFEE of Nebraska. That is correct. If there were no price-control law and Mr. Henderson had not been given authority to crack down on livestock prices as of December 15, we might find some justification for freezing Government stocks of grain at parity However, I know that the O. P. A. has been giving serious consideration lately to placing a price ceiling on livestock and livestock products. I want to avoid such a blow if possible. I am very fearful that any attempt to freeze corn prices at parity would be a stimulus for a sudden increase in the price of hogs particularly. If this should occur that would encourage the establishment of price ceilings on all livestock and livestock products. This in all probability would be followed by rationing of meat. Neither rationing nor price ceilings on livestock will be necessary in my opinion, if economic laws are allowed to function.

We now have more cattle in the United States than we have ever had in history. Before the year is out we will have an all-time record number of hogs. If the law of supply and demand is given a little time there will be no need for a price ceiling on meat, and most of this surplus grain will find an outlet through livestock feed channels.

The Secretary of Agriculture has encouraged the production of meat, dairy, and poultry products to meet the demands of the war. He is a practical farmer and is opposed to freezing these Government stocks of grain at parity. I am convinced that the Secretary has taken a position that will be of greatest benefit ultimately to the farmer.

I hope in our zeal to aid the farmer that we will not do anything that will place him in the light of asking for or expecting something that is not fair and reasonable. I hope the Pierce amendment will be agreed to.

Mr. TARVER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close at 6 o'clock.

The question was taken, and on a division, demanded by Mr. TARVER, there were—ayes 56, noes 86.

Mr. TARVER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose and the Speaker having resumed the chair, Mr. RAMSPECK, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee having had under consideration the bill (H. R. 6709) the agricultural appropriation bill, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my remarks and insert in the RECORD a letter from the Secretary of Agriculture to Senator HARRY F. BYRD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WENE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include three telegrams.

The SPEAKER. Is there objection?

There was no objection.

Mr. PIERCE. Mr. Speaker, I ask unanimous consent that in revising my remarks made this afternoon, I may include a letter from a prominent man in Oregon, and two editorials.

The SPEAKER. Is there objection?

There was no objection.

THE LATE HENRY CROSBY ALLEN

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and extend my remarks.

The SPEAKER. There is a special order for today if the gentleman from Michigan has no objection.

Mr. ENGEL. Mr. Speaker, I have no objection to the gentleman from New Jersey proceeding.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANFIELD. Mr. Speaker, burial services were held this afternoon in Paterson, N. J., for the late Henry Crosby Allen, who was a Representative in the Fifty-ninth Congress, 1905–7. He was called away last Saturday at the age of 69.

Mr. Allen served one term in the Congress, leaving on the day the Fifth Illinois District sent to Washington as its Representative ADOLPH J. SABATH, present dean of the House. The New Jerseyman's district, known as the old Sixth, embraced all of the Eighth which I now represent, and a large part of the Seventh, now represented by our distinguished colleague, J. PARNELL THOMAS. One of Representative Allen's colleagues was Clarence Van Duzer, of Nevada, who also left the House in 1907, and is now one of my best friends and constituents.

Representative Allen was here in what he chose to call the horse-and-buggy days. There were no House Office Buildings and the Members performed their office work in their respective hotels or houses. Chairman of committees alone had room space on the Hill. By sufference a few colleagues wrote letters in these rooms. Increasing mail and demands of constituents resulted in the erection of the old House Office Building first to be used by the incoming Members of the Sixtieth Congress.

Mr. Allen attended Paterson's public schools. He was graduated from Yale in 1893 and from the New York Law School in 1895.

Short and rotund, jovial in nature, always ready with a story in point, he was ever popular with his fellowmen. Although he had not been in the best of health, he returned to the political wars in 1922 when he espoused the cause of the late Representative George N. Seger, whom it was my privilege and pleasure to serve as secretary for 18 years. Representative Seger recommended Mr. Allen for the Paterson postmastership in 1926 and he served under Presidents Coolidge

and Hoover, the new Paterson Federal Building being erected during his term of office.

Mr. Allen liked people and those he served as an attorney, Congressman, and postmaster, remember him for his smiling attitude, his friendly and reassuring way. He sought to do something every day to add to the sum of human happiness, subtract from the sum of human misery.

"I'll miss Henry," is a much repeated expression from folks in all walks of life on the streets of Paterson today.

I join the legion of mourners in the loss of this lovable American gentleman.

ORDER OF BUSINESS

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. MARTIN of Massachusetts. For the purpose of conferring about the program tomorrow, as I understand there has been some change.

Mr. McCORMACK. Mr. Speaker, yes. Tomorrow the bill increasing the debt limit will be brought up first. After that the military civil functions bill will be considered, and if the Rules Committee should reduce the period of debate on the Dies resolution from 3 hours to 1 hour, that will follow tomorrow. I doubt, however, that that will be reached tomorrow. It will then be taken up on Wednesday. This bill will come after that, and after the agricultural bill we will take up the Rogers bill.

Mr. MARTIN of Massachusetts. And that will probably be taken up on Thursday?

Mr. McCORMACK. It will be taken up after the agricultural bill is disposed of.

Mrs. ROGERS of Massachusetts. Will it surely be brought up this week?

Mr. McCORMACK. Yes.

Mrs. ROGERS of Massachusetts. The War Department is very anxious to have these women get into training.

Mr. McCORMACK. I am aware of that. I talked with General Marshall myself and put a letter from him into the RECORD. I think the gentlewoman from Massachusetts will concede that I have been cooperating with her in every way possible. I regret that the bill has not been brought up for consideration before.

Mrs. ROGERS of Massachusetts. They are very anxious to train these women.

Mr. McCORMACK. I understand that.

EXTENSION OF REMARKS

Mr. WASIELEWSKI. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. BRYSON. Mr. Speaker, on Friday next, after the disposition of all legislative matters and any special orders heretofore granted, I ask unanimous consent to speak for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. CLASON. Mr. Speaker, I ask unanimous consent to extend my remarks and include a newspaper clipping from the New York Daily Mirror of March 7, 1942.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to insert in the Appendix a letter and resolution adopted by the Forty and Eight Club of Iowa.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

(By unanimous consent Mr. BATES of Kentucky was granted permission to revise and extend his own remarks.)

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my remarks in two particulars, in one to include a radio address entitled, "We will work to win," delivered over the National Broadcasting Co.; and the second to include a copy of a pledge sent to the President of the United States by 500,000 men signed yesterday.

The SPEAKER. Without objection, the request of the gentleman is granted.

There was no objection.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and to include two telegrams.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BOGGS. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a resolution recently adopted by the mayor and the board of aldermen of the city of Gretna, La.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks made in Committee of the Whole and to include certain correspondence by Senator BANKHEAD of Alabama.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CHAPMAN. Mr. Speaker, during the discussion of the Department of Agriculture appropriation bill on Saturday, pertaining to the item providing expenditures of funds for the Tobacco Inspection and Tobacco Stocks and Standards Acts, several references were made by some of the other members to a letter which was written to me on March 4 by Mr. C. W. Kitchen, Associate Administrator of the Agricultural Marketing Administration. This letter throws a great deal of light on the subject that was under discussion, and until I saw the RECORD today I was under the impression it had been included in the remarks of one of the other gentlemen who discussed the amendment.

I ask unanimous consent to extend my remarks by including the letter in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TRANSPORTATION FOR DEFENSE EMPLOYEES

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. VOORHIS of California. Mr. Speaker, a very real problem has arisen already in certain parts of the country, particularly the section I come from, due to the automobile and tire shortage, and the effect of these on the transportation of workers to defense factories such as the aircraft factories in southern California. I would like to suggest to those who have such problems in control the possibility of the use of some of the hundreds of busses now used on routes that simply parallel transcontinental railroad lines, which could be diverted for what this more necessary function, of transporting war industry workers who have no longer any adequate means of transportation, or shortly will not have such means, to their work.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. ELLIS. Mr. Speaker, I ask unanimous consent to extend my remarks in two instances and include in each a newspaper editorial.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Under previous order of the House, the gentleman from Michigan [Mr. ENGEL] is recognized for 20 minutes.

BROKERS' FEES ON SUBCONTRACTS

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my remarks and include a part of a proxy statement by the Hayes Aircraft Corporation, and a newspaper clipping.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ENGEL. Mr. Speaker, I desire to call the attention of the House to another instance of brokerage or payment of a commission for the obtaining of a defense contract. We have heretofore discussed and investigated mainly the contracts between the Government and the prime contractor. We have not heretofore investigated nor gone into, I believe, the thousands of subcontracts for defense materials existing between subcontractors and prime contractors. Any commission paid in obtaining these subcontracts must of necessity be added to the cost of the prime contractor who contracts with the Government. In figuring the percentage of profit the prime contractor figures his percentage of profit on the total cost of his subcontracts. These costs to him include commissions paid by the subcontractor in obtaining business. In other words, the taxpayer is paying not only a commission on the subcontract, but a profit on commissions.

Mr. Speaker, I have before me a case of brokerage or payment of a commission for the obtaining of this type of a defense contract. A part of the facts is stated in a proxy statement of the Hayes Manufacturing Corporation, Grand Rapids, Mich., signed "By order of the

board of directors, Theodore E. Dean, secretary, dated Grand Rapids, Mich., December 17, 1941." Paragraph 4 of this proxy statement explains an agreement between the Brewster Aeronautical Corporation of Long Island City, N. Y., which is engaged in the manufacture of bombers for the United States Navy as prime contractor with the Hayes Manufacturing Corporation of Grand Rapids, Mich., as subcontractor. There is mentioned in this paragraph a Hayes Aircraft Accessories Corporation, which, according to the Standard Corporation Record, is the exclusive sales agent for the Hayes Manufacturing Corporation. Paragraph 4 is an explanation to the stockholders as to just what the deal was between these three corporations and reads as follows:

Hayes Aircraft Accessories Corporation has no connection whatever with Hayes Manufacturing Corporation except in its status as sales agent for the latter In this capacity it obtained for the corporation a contract with Brewster Aeronautical Corporation for the manufacture of outer wing panels for the Brewster model 340 bomber. For obtaining this contract it has received a commission of 5 percent. Compliance with certain conditions precedent was required by Brewster Aeronautical Corporation of Hayes Manufacturing Corporation to render effective this contract, among which were (a) that the corporation make such changes in and additions to the directorate and executive personnel of the corporation as in the judgment of Brewster would reasonably assure satisfactory performance of the contract by the corporation and (b) that F. William Zelcer, Alfred J. Miranda, Jr., and I. J. Miranda acquire for retention for a reasonable period of time a stockholding interest in the corporation of not less than 100,000 shares in the aggregate to insure performance of the contract by the corporation.

The election of John Nickerson and Sylvan Oestreicher to the board of directors was accepted by Brewster as satisfactory compliance with 4 (a) above.

F. William Zelcer, Alfred J. Miranda, Jr., and I. J. Miranda purchased from the corporation 100,000 shares of its common stock (one-third each) in compliance with 4 (b) above. By this purchase F. William Zelcer, Alfred J Miranda, Jr., and I. J. Miranda, considered as a group, are the owners of 11.4 percent of the issued and outstanding common stock of the corporation. F William Zelcer. Alfred J. Miranda, Jr., and I. J. Miranda are the sole stockholders of Hayes Aircraft Accessories Corporation, which corporation does not own either of record or beneficially any securities of the corporation. The corporation is advised that Brewster Aeronautical Corporation does not own either of record or beneficially any securities of the corporation.

The facts disclose the following:

First. The Brewster Aeronautical Corporation is a New York corporation manufacturing airplanes and particularly bombers. According to the Bureau of Supplies and Accounts of the Navy Department this corporation was awarded up to February 13, 1942, 13 contracts by the Navy aggregating $20,643,167.02.

Second. The Hayes Manufacturing Corporation. of Grand Rapids. Mich., is a Michigan corporation reorganized several times, but had outstanding according to the Standard Corporation Record, on March 31, 1941, 774,664 shares of common stock of the par value of $2 with an authorized capital stock of 2,000,000 shares. The capital stock was increased on December 15, 1939, from 500,000 to 1.000.000 shares. It was further increased on March 10, 1941, to 2,000,000 shares of stock.

Third. The Hayes Aircraft Accessories Corporation was organized under the laws of the State of New York on April 12, 1940, with address at 6 East Forty-fifth Street, New York City, and according to a letter from the Secretary of State dated February 25, 1942, the amount of capital stock was 200 shares of no par value. The statement contained in the proxy statement of the Hayes Manufacturing Co. is that F. William Zelcer, Alfred J. Miranda, Jr., and I. J. Miranda are the sole owners of the Hayes Aircraft Accessories.

Mr. Speaker, in tracing this matter down I find that the Hayes Aircraft Accessories Corporation is in fact not an accessories corporation, but a sales corporation. I find that F. William Zelcer, Alfred J. Miranda, Jr., and I. J. Miranda are the principal officers, directors, and sole stockholders. This corporation holds an exclusive sales contract with the Hayes Manufacturing Corporation of Grand Rapids, Mich. Under this contract, dated June 28, 1940, the Hayes Aircraft Accessories Corporation agrees to bear the sales expenses necessary in the procurement of acceptable orders covering aircraft parts for the Hayes Manufacturing Corporation. In return for this the Hayes Aircraft Accessories Corporation is entitled to add to all quotations a sales commission not exceeding 10 percent with the condition that in order that the gross price quoted shall be competitive the Hayes Aircraft Accessories Corporation shall reduce its sales commission from 10 percent to a figure not below 5 percent. As stated before on December 30, 1940, the Brewster Aeronautical Corporation gave a subcontract for outer wing panels for the Brewster Model 340 bomber to the Hayes Manufacturing Corporation in the sum of $5,000,000. A statement filed with the Securities Exchange Commission by the Hayes Manufacturing Corporation indicates that through September 30, 1941, this concern, that is, the Hayes Manufacturing Corporation, paid commissions on contracts in the sum of $223,080 for the sale of aircraft parts. These commissions were undoubtedly paid to the Hayes Aircraft Accessories Corporation.

I have information that as of January 22, 1942, the Hayes Manufacturing Corporation had unfilled and pending orders for aircraft subassemblies amounting to approximately $12,200,000 more. Under this contract with the Hayes Aircraft Accessories Corporation, that corporation will receive a minimum of 5 percent or an additional $610,000 commission. In other words, here we have three individuals, F. William Zelcer, Alfred J. Miranda, Jr., and I. J. Miranda, sole owners, officers, and directors of a corporation organized on April 12, 1940, with 200 shares of no-par-value stock who will receive a total of at least $860,000 commission on defense subcontracts from one subcontractors, plus 11.4 percent of the profits of the subcontracting corporation.

Paragraph 6 of the proxy statement sent out to the stockholders by the Hayes Manufacturing Corporation reads in part as follows:

Mr. R. W. Clark became president and director of the corporation on February 3, 1941, and on March 10, 1941, was relected to both offices. Mr. Clark is entitled to receive, for services as president of the corporation from January 1, 1941, through September 30, 1941, the sum of $13,500, plus an amount to be determined as set forth in the next succeeding paragraph. Said aggregate sum constitutes one of the three highest amounts paid by the corporation to its officers, directors, and employees during said fiscal year.

Under a contract between the corporation and R. W. Clark, dated December 16, 1940, providing for the terms and conditions upon which R. W. Clark is to render services to the corporation as its chief executive officer, he is entitled to receive, in respect of the corporation's fiscal year ending September 30, 1941, a stated salary of $13,500. Under said contract he is also entitled to receive nine-twelfths of the aggregate of 2 percent of the net profits up to $500,000 arising from the operations of the corporation for the calendar year ending December 31, 1941, plus 2½ percent of the amount by which said net profits exceed $500,000, but do not exceed $750,000, plus 3 percent of all net profits in excess of $750,000. Net profits are to be determined in accordance with settled and applied accounting practices before deduction of any and all Federal and State taxes except local, real and personal property taxes, but after deduction of charges for depreciation. Mr. Clark is also granted an option in this contract to purchase (a) all or any part of 9,000 shares of the corporation's common stock at $4 per share, exercisable 90 day after December 31, 1941, if in the corporation's employ on that date, (b) all or any part of 8,000 shares of the corporation's common stock at $5 per share, exercisable 90 days after December 31, 1942, if in the corporation's employ on that date and (c) all or any part of 8,000 shares of the corporation's common stock at $6 per share, exercisable 90 days after December 31, 1943, if in the employ of the corporation on that date. The market value of the corporation's common stock on December 16, 1940, was $3.375 per share. None of said options has been exercised.

As of the present date the corporation has 875,000 shares of $2 par value common stock issued and outstanding.

I call attention to the fact that under the contract between the Hayes Manufacturing Corporation and R. W. Clark, as president, Mr. Clark is to receive in addition to his salary of $13,500, nine-twelfths of the aggregate of 2 percent of the net profit up to $500,000, 2½ percent of the net profit over $500,000 to $750,000, plus 3 percent of all net profit in excess of $750,000, net profits to be determined before the deduction of any and all Federal and State taxes, except real and personal property taxes.

Under this provision, the commission paid Mr Clark in addition to his salary, being deducted before the figuring of Federal income taxes, exempts that commission from the highest bracket corporation surtax and places it into the lower bracket individual surtax. Let us assume that the net profit of the corporation before payment of Federal taxes was $1,050,000, the corporation would have to pay the Federal Government 75 percent of the excess over $1,000,000 or 75 percent of the $50,000 If that $50,000 were paid as commission to Mr. Clark or

other officers of the corporation, that $50,000 being deducted before the corporation pays its taxes would not be subject to that 75 percent tax, but would go into the individual income tax of Mr. Clark or other officers drawing that commission and being subject to a much lower surtax. Undoubtedly the purpose of the provision is to get around the large corporation surtax levy.

I call attention to an article from the New York Times, dated Friday, February 27, 1942, which reads as follows:

BREWSTER DEFENDANT IN $10,000,000 SUIT—AERONAUTICAL CORPORATION STOCKHOLDER SEEKS TO RECOVER LOSS

A stockholders' accounting suit against officers and directors of the Brewster Aeronautical Corporation and other defendants, for recovery of losses alleged to exceed $10,000,000, was disclosed yesterday in Supreme Court when Justice Carroll G. Walter signed an order for examination of certain defendants before trial. The plaintiff, Magda Bysheim, was listed in the papers as owner of twenty-five shares.

The suit named as defendants nineteen individuals, the Brewster Export Corporation, Miranda Bros., Inc., and Hayes Aircraft Accessories Corporation. The individuals included James Work, head of Brewster Aeronautical, and Alfred J. Miranda, Jr., head of Miranda Bros., aircraft exporters. The complaint declared that the Miranda interests owned stock in Brewster Export and dominated officers and directors of Brewster Aeronautical through substantial stock ownership in that corporation.

The complaint charged that the Mirandas influenced Brewster Aeronautical to make Brewster export its sole sales agency and to give it "excessive commissions," even on sales not negotiated or consummated by Brewster Export. The complaint charged further that Brewster Aeronautical refused to purchase from concerns not represented by Brewster Export or the Mirandas as sales agents, and that through the Mirandas, Brewster Aeronautical gave orders for airplane parts to the Hayes firm on a noncompetitive basis.

The defendants entered a general denial and specifically denied any wrongdoing.

I have not had an opportunity to check on this phase of the question. All I know is what is contained in this article. Apparently, the same type of commission that is being paid to the Hayes Aircraft Accessories Corporation is being paid to the Brewster Export Corporation and Miranda Bros., Inc., on all production for export of the Brewster Aeronautical Corporation.

I am wondering to what extent the United States Government is being affected through its lend-lease operations with our Allies in this war by the commission agreements above referred to.

This whole matter ought to be thoroughly investigated and exposed.

CONCLUSION

I wish to state that I have discussed this matter with Under Secretary of War, Robert P. Patterson. While very little war-contract fees are involved, I know Mr. Patterson will see that the illegitimate practices will be eliminated. I have also taken up the matter with Secretary of the Navy, Frank Knox, who has assured me that he too will go into this matter thoroughly. He informed me personally that they were now investigating the Brewster Aeronautical Corporation and the Brewster Export Corporation with a few of correcting irregularities and at the same time retaining the manufacturing facilities of the manufacturing corporation.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield.

Mr. HOFFMAN. What is the relationship, if any, between the firm, or corporation, the three stockholders, the prime contractor and the subcontractors?

Mr. ENGEL. On the face of it there is apparently no relationship.

Mr. MARTIN J. KENNEDY. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield.

Mr. MARTIN J. KENNEDY. These charges are very startling. What authority does the gentleman have to support them, if any?

Mr. ENGEL. I have here before me the proxy statement of the Hayes Manufacturing Corporation, of Grand Rapids, Mich., dated December 17, 1941, sent out to its stockholders; the matter that appeared in the New York Times, and a letter from the Secretary of State of New York. I also took some information from the files of the Securities Exchange Commission.

Mr. MARTIN J. KENNEDY. But the matter the gentleman is referring to is all a matter of public record, is it not?

Mr. ENGEL. The records of the Securities and Exchange Commission show that the Hayes Manufacturing Corporation paid $223,000 commission. In addition to that it shows they have $12,000,000 in subcontracts still unfilled.

Mr. MARTIN J. KENNEDY. Is the gentleman suggesting that the Army or the War Department is in collusion with this company?

Mr. ENGEL. No; not at all. Judge Patterson, Under Secretary of War, assured me he would do what he could to eliminate this practice so far as the Army is concerned. Col. Frank Knox, Secretary of the Navy, gave me the same assurance. The Navy Department already had information regarding the Brewster Export Corporation and Miranda Brothers but knew nothing about the Hayes Aircraft Accessories Corporation.

Mr. MARTIN J. KENNEDY. Does not the Securities and Exchange Commission pass upon these proxy statements?

Mr. ENGEL. They pass upon the form which comes up but this is a report of the corporation to its own stockholders.

Mr. MARTIN J. KENNEDY. It is a public record.

Mr. ENGEL. I presume it is; yes.

Mr. MARTIN J. KENNEDY. What was this about, a stockholders' action or something?

Mr. ENGEL. No; I am just discussing this in connection with showing up waste of taxpayers' money. This $850,000 commission paid on this Navy subcontract becomes a part of the cost of the subcontract and is ultimately paid by the taxpayer. The three men who received it did absolutely nothing to earn it. The Navy gave this Brewster company 13 contracts aggregating more than $20,000,000. The $5,000,000 subcontract let to the Hayes Manufacturing Corporation, including the 5-percent commission, becomes a part of the total cost of the prime contract. The Navy does not go back and audit the subcontract, it merely audits the prime contract.

Mr. MARTIN J. KENNEDY. But the Navy has knowledge of these associations and relationships.

Mr. ENGEL. Apparently they did not have such knowledge in this case.

Mr. DITTER. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield.

Mr. DITTER. While there may be no evidence of collusion such as the gentleman refers to, does the gentleman from Michigan feel that the conditions he has laid before the House indicate and designate a competency in administration and a care with reference to the expenditure of public funds that would bring the utmost in the way of preparedness and defense for the taxpayers' money expended?

Mr. ENGEL. What I am pointing out, I may say to my colleague from Pennsylvania, is that somebody in the Government has paid out $850,000 in commission to a corporation organized in April of 1940 with 200 shares of non-par-value stock. This corporation is owned by three men who have done nothing to earn this vast sum and have given no value in return. Here is $850,000 of the taxpayers' money wasted, the price of 3 bombers gone down a rat hole.

Mr. BURDICK. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield.

Mr. BURDICK. I have been very interested in following every speech the gentleman has made upon this subject. Has the gentleman come to any conclusion of his own from his investigation, of waste in building army camps and such matters that he can now bring to our attention, any conclusion as to the percentage of waste and loss on those contracts?

Mr. ENGEL. I may say to the gentleman that according to the Graham Committee which investigated the waste in the building of cantonments in World War No. 1, it cost $206,000,000 to build the cantonments where 4,000,000 were housed and trained in that war.

It cost us in this emergency $800,000,000 to build the cantonments where the first 1,400,000 men were housed and trained. Pearson and Allen stated in the Merry-Go-Round that I charged the Army with wasting $250,000,000, and went on and proved it. The Washington Merry-Go-Round can scarcely be said to be unfriendly to the New Deal. The Army wasted at least $250,000,000 on the first Army cantonment program of this emergency. This is $44,000,000 more than it cost us to build all the cantonments where 4,000,000 men were housed and trained in World War No. 1.

Mr. DITTER. Will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Pennsylvania.

Mr. DITTER. I feel that this is certainly the occasion when some one should commend the gentleman from Michigan

for the work he has been doing in showing the waste and the extravagance, and I feel confident that while some may not appreciate it, the taxpayers of the country are grateful for the energy with which the gentleman has approached the matter and the job he has done in uncovering the conditions that are present.

Mr. ENGEL. I thank the gentleman.

Mr. HOFFMAN. Will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Michigan.

Mr. HOFFMAN. It having been established that this waste has existed and is continuing, what can the gentleman say that we do about it? The taxpayers are getting sore. What can we do to stop it?

Mr. ENGEL. I do not know. I have done everything I could.

Mr. MARTIN J. KENNEDY. Will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from New York.

Mr. MARTIN J. KENNEDY. Did any of the company men have an opportunity to reply to the statement of yours? Did the gentleman invite them to answer his question?

Mr. ENGEL. I do not know what answer there can be to men taking a 5-percent commission on a Government defense contract. What answer can there be? Can you tell me what these three men did to earn the $860,000 that they received in commissions on these subcontracts between the Brewster Aeronautical Corporation and other corporations as prime contractors, and the Hays Manufacturing Corporation, as subcontractor? What did they do for the money? What did the taxpayers receive in value for this $850,000 paid these men in commissions?

Mr. EDMISTON. Mr. Speaker, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from West Virginia.

Mr. EDMISTON. I was called to the telephone and did not hear the conclusion of the gentleman's statement. As I understand, this was a Navy contractor who sublet to the incorporators of this intermediate corporation?

Mr ENGEL. No; that is wrong. These three men incorporated a corporation under the laws of the State of New York, with 200 shares of no-par-value stock. They were the sales agent in between the prime contractor and the subcontractor. They rendered no service. They were doing exactly what a lobbyist does down here when he gets a commission from the prime contractor for getting a Government defense contract.

Mr. EDMISTON. The prime contractor, under existing law, must go to the Navy Department when they let him a contract. Why is he dealing through this other corporation? He must show some reason for that.

Mr. ENGEL. I do not know about that. Mr. Knox told me that they were investigating the other two corporations, the Brewster Export Corporation and Mirandas Bros., Inc. There are billions of dollars spent in defense subcontracts. This is the first one I have come up against where they had a subcontract commission.

[Here the gavel fell.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. CAMP (at the request of Mr. BROWN of Georgia), for 4 days, on account of official business.

To Mr. COURTNEY (at the request of Mr. DAVIS of Tennessee), for 3 days, on account of illness.

To Mr. DREWRY, Mr. IZAC, Mr. SASSCER, Mr. HEFFERNAN, Mr. MAAS, Mr. MOTT, and Mr. BATES of Massachusetts (at the request of Mr. DREWRY), for 1 week, on account of official business.

ENROLLED BILLS SIGNED

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 1535. An act for the relief of the estate of John J. Murray;

H. R 2120. An act for the relief of John H. Durnil;

H. R. 2430. An act for the relief of John Huff;

H. R. 4896. An act for the relief of David B. Byrne;

H. R. 5478. An act for the relief of Nell Mahoney;

H. R. 6511. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1943, and for other purposes; and

H. R 6531. An act to suspend the effectiveness during the existing national emergency of tariff duties on scrap iron, scrap steel, and non-ferrous-metal scrap.

BILLS PRESENTED TO THE PRESIDENT

Mr. KIRWAN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 1535. An act for the relief of the estate of John J. Murray;

H. R. 2120. An act for the relief of John H. Durnil;

H. R. 2430. An act for the relief of John Huff;

H. R. 4896. An act for the relief of David B. Byrne;

H. R. 5478. An act for the relief of Nell Mahoney;

H. R 6511. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1943, and for other purposes; and

H. R. 6531. An act to suspend the effectiveness during the existing national emergency of tariff duties on scrap iron, scrap steel, and non-ferrous-metal scrap.

ADJOURNMENT

Mr. STARNES of Alabama. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 10, 1942, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

On Wednesday, March 11, 1942, at 10 a. m., subcommittee No. 3 of the Committee on the Judiciary will continue hearings on H. R. 6444, to provide for the registration of labor organizations, business, and trade associations, and so forth. The hearing will be held in the Judiciary Committee room, 346 House Office Building, Washington, D. C.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will hold a hearing at 10 a. m. on Wednesday, March 11, 1942, on H. R. 6633, H. R. 6717, H. R. 6718.

COMMITTEE ON BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Buildings and Grounds on Wednesday, March 11, 1942, at 10 a. m. for consideration of H. R. 6483. The hearing will be held in the caucus room, Old House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1466. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated December 24, 1941, submitting a report, together with accompanying papers and an illustration, on a review of the reports on the Ohio River, with a view to providing protective works at Reevesville, Ill., and for protection of interstate highways and railroads from floods, requested by a resolution of the Committee on Flood Control, House of Representatives, adopted on June 16, 1938; to the Committee on Flood Control.

1467. A letter from the Secretary of War, transmitting a draft of a proposed bill to exempt from duty personal and household effects brought into the United States under Government orders; to the Committee on Ways and Means.

1468. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1942, amounting to $7,000, and a draft of a proposed provision pertaining to an existing appropriation, for the Department of State (H. Doc. No. 656); to the Committee on Appropriations and ordered to be printed.

1469. A letter from the Secretary of War, transmitting a draft of a proposed bill to amend sections 1305 and 1306 of the Revised Statutes, as amended; to eliminate the prohibition against payment of deposits, and interest thereon, of enlisted men until final discharge; to the Committee on Military Affairs.

1470. A letter from the Secretary of War, transmitting a draft of a proposed bill to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, or leaving military areas or zones; to the Committee on Military Affairs.

1471. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1942, amounting to $4,750,000, for the Immigration and Naturalization Service of the Department of Justice (H. Doc. No. 657); to the Committee on Appropriations and ordered to be printed.

1472. A letter from the Postmaster General, transmitting a draft of a proposed bill to amend an act to fix the hours of duty of postal employees, and for other purposes, approved August 14, 1935, as amended, as to permit payment for overtime for Saturday service in lieu of compensatory time; to the Committee on the Post Office and Post Roads.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOLAN: Select Committee Investigating National Defense Migration submits

a third interim report pursuant to House Resolution 113, Seventy-seventh Congress, first session; without amendment (Rept. No. 1879). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on the Merchant Marine and Fisheries. H. R. 6641. A bill to amend the act entitled "An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy," approved April 16, 1937; with amendment (Rept. No. 1880). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. MONRONEY:

H. R. 6752. A bill to confer jurisdiction in the United States courts in cases involving work stoppage for illegitimate and nonlabor purposes; to the Committee on the Judiciary.

By Mr. PADDOCK:

H. R. 6753. A bill to authorize the Securities and Exchange Commission to suspend, so far as is consistent with the public interest, the exercise of its duties and functions under section 11 of the Public Utility Holding Company Act of 1935; to the Committee on Interstate and Foreign Commerce.

By Mr. WICKERSHAM:

H. R. 6756. A bill to increase the number of midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

H. R. 6757. A bill to increase the number of cadets at the United States Military Academy; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LELAND M. FORD:

H. R. 6754. A bill for the relief of Alva Burton Rickey; to the Committee on Claims.

By Mr. ROBINSON of Utah:

H. R. 6755. A bill for the relief of certain Basque aliens; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2538. By Mr. CRAWFORD: Petition of Mrs. Vera Jacobs and 80 other residents of Shiawassee County, Mich., asking for the enactment of Senate bill 860; to the Committee on Military Affairs.

2539. By Mr. LUTHER A. JOHNSON: Memorial of Hon. Coke Stevenson, Governor of Texas; Gerald C. Mann, attorney general; George H. Sheppard, State comptroller; Jesse James, State treasurer; William J. Lawson, secretary of state; L. A. Woods, superintendent of public instruction, and Brady Gentry, chairman, State highway department, opposing House bills 6617 and 6750; to the Committee on Ways and Means.

2540. By Mrs. NORTON: Resolution adopted by the board of commissioners of the city of Bayonne, N. J., protesting against the passage of any law which has for its purpose the taxing of municipal bonds; to the Committee on Appropriations.

2541. By Mr. ROLPH: Resolution of the board of supervisors of San Benito County, Calif., adopted March 2, 1942, relative to the matter of evacuation and concentration of all Japanese and their descendants to a concentration camp under supervision of the Federal Government; to the Committee on Military Affairs.

2542. By the SPEAKER: Petition of the municipal council of St. Thomas, V. I., petitioning consideration of their resolution with reference to method used by the Governor of the Virgin Islands to get amendments passed by the Congress of the United States of America to the Organic Act of the Virgin Islands, United States of America; to the Committee on Insular Affairs.

SENATE

TUESDAY, MARCH 10, 1942

(Legislative day of Thursday, March 5, 1942)

The Senate met at 12 o'clock noon on the expiration of the recess.

The Chaplain, the Very Reverend ZeBarney T. Phillips, D. D., offered the following prayer:

O Thou Christ of God, who didst come not to be ministered unto but to minister, and to seek and to save that which was lost in our humanity: Help us each day to realize that only the eternal is important and that faith in Thee survives all change, satisfies the cravings of the soul, enables us to see the things that unite us in the Kingdom of God, and to overlook the things that separate us each from the other.

Grant to us all the strength and determination to purge from our lives, in these days of fiery trial, all that is unlovely and whatsoever is of ill report. And, as we strive to rise and to acquit ourselves like men, do Thou reveal to us again the wondrous fact that the dynamic of the Cross hath continuing power to heal, soothe, and cleanse the broken lives of all who are oppressed, and that the truest, holiest manhood trusts in the Fatherhood of God, clings to the ideals of brotherhood, and prays continually that Eternal Love shall reign in the hearts of men. In Thy Name and for Thy sake alone we dare to pray. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day, Monday, March 9, 1942, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 3798) to amend the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," and it was signed by the Vice President.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF SECRETARY OF THE SENATE (S. DOC. NO. 176)

A letter from the Secretary of the Senate, submitting, pursuant to law, his annual report for the period from July 1, 1940, to June 30, 1941, inclusive (with an accompanying report); ordered to lie on the table and to be printed.

HOURS AND DUTY OF POSTAL EMPLOYEES

A letter from the Postmaster General, transmitting a draft of proposed legislation to amend "An act to fix the hours of duty of postal employees, and for other purposes," approved August 14, 1935, as amended, so as to permit payment for overtime for Saturday service in lieu of compensatory time (with an accompanying paper); to the Committee on Post Offices and Post Roads.

PETITIONS

Mr. TYDINGS presented the following petitions, which were referred as indicated:

A petition of sundry citizens of the State of Maryland, praying for the enactment of legislation to outlaw strikes; to the Committee on Education and Labor.

A petition of sundry citizens of Prince Georges County, Md., praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; ordered to lie on the table.

OPERATIONS OF THE OFFICE OF CIVILIAN DEFENSE—PETITION

Mr. TYDINGS also presented a paper in the nature of a petition from sundry citizens of the State of Maryland, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, without the signatures attached thereto, as follows:

To the Senators and Congressmen of the People of the United States:

We, the undersigned, do absolutely and unrestrictedly hereby object to the conduct of the National Office of Civilian Defense. The words "Office of Civilian Defense" were believed by us to mean defense of civilians' lives and property in case of air-raid attacks. In order for that defense to be built up we believed that one office would be set up in each city or area. That out of that office would be sent people to teach civilian volunteers their duties in the various branches of needed civilian defense.

We did not know, when we volunteered our time and our services, that one office, very capably handled, by a man in charge volunteering his services in civilian defense free, would do all the work, while another office, tenanted by people drawing big salaries, would carry on absolutely unnecessary foolish tasks. We refer to hale America. We are not yet the dumb, strong Americans that Mr. Kelly would have us.

We are intelligent Americans, and we are insisting that the Office of Civilian Defense be changed to mean what the name implies.

We are demanding that the money, which is being spent on salaries in these unnecessary offices be taken away immediately and be spent on gas masks for the civilian population. In the case of Baltimore alone, $28,000 would buy a few gas masks.